

Exhibit 18

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

No. 14-CV-2058 (SC)
MDL No. 1917

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

VIDEOTAPED DEPOSITION of MAX WASINGER
Los Angeles, California
Thursday, July 16, 2015

Reported by
Daryl Baucum, RPR, CRR, RMR, CSR No. 10356

Page 2

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 15 VIDEOTAPED DEPOSITION of MAX WASINGER, at
 16 633 West Fifth Street, Suite 3600, Los Angeles,
 17 California, beginning at 9 03 a.m. and ending
 18 at 2 02 p.m., on Thursday, July 16, 2015,
 19 before Daryl Baucum, RPR, CRR, RMR,
 20 CSR No. 10356
 21
 22
 23
 24
 25

Page 4

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Page 7	Page 9
<p>1 APPEARANCES OF COUNSEL (CONTINUED)</p> <p>2</p> <p>3 FOR THE TOSHIBA DEFENDANTS:</p> <p>4</p> <p>5 WHITE & CASE</p> <p>6 BY: JONATHAN C. BLACK, ATTORNEY AT LAW</p> <p>7 701 Thirteenth Street, NW</p> <p>8 Washington, D.C. 20005</p> <p>9 202.626.3618</p> <p>10 Jonathanc.Black@WhiteCase.com</p> <p>11</p> <p>12</p> <p>13 FOR THE PANASONIC DEFENDANTS:</p> <p>14</p> <p>15 WEIL, GOTSHAL & MANGES</p> <p>16 BY: MARJAN HAJIBANDEH, ATTORNEY AT LAW</p> <p>17 767 Fifth Avenue</p> <p>18 New York, New York 10153</p> <p>19 212.310.8192</p> <p>20 Marjan.Hajibandeh@Weil.com</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX</p> <p>2</p> <p>3</p> <p>4 WITNESS: MAX WASINGER</p> <p>5 EXAMINATION PAGE</p> <p>6 BY: MR. SAVERI 13</p> <p>7 BY: MR. MURRAY 172</p> <p>8 BY: MR. FUENTES 177</p> <p>9</p> <p>10</p> <p>11</p> <p>12 QUESTIONS WITNESS WAS INSTRUCTED NOT TO ANSWER:</p> <p>13 (NONE)</p> <p>14</p> <p>15</p> <p>16</p> <p>17 INFORMATION TO BE SUPPLIED.</p> <p>18 (NONE)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

3 (Pages 6 - 9)

Page 10			Page 12		
1	DEPOSITION EXHIBITS		1	please, state them at the time of your appearance	09:03:35
2	MAX WASINGER		2	beginning with the noticing attorney:	09:03:37
3			3	MR. SAVERI: Good morning. My name is	09:03:41
4	NUMBER DESCRIPTION PAGE		4	Rick Saveri on behalf of the Direct Purchaser Class	09:03:42
5	Exhibit 8300 Mitsubishi Electric and	81	5	Plaintiffs.	09:03:46
6	Electronics USA, Inc.		6	MR. HWU: David Hwu of Sevari and Saveri	09:03:47
7	Document Retention Policy		7	on behalf the Direct Purchaser Class Plaintiffs	09:03:47
8	Exhibit 8301 Exhibit A, Records Retention	88	8	MR. MURRAY: Kevin Murray from Kenny	09:03:53
9	Program		9	Nachwalter on behalf of the Sears and K-Mart	09:03:53
10	Exhibit 8302 Mitsubishi Electronics America,	97	10	plaintiffs	09:03:55
11	Inc. Dealer Agreement		11	MS. ZWICKER: Kathryn Zwickler, Klee,	09:03:56
12	Exhibit 8303 June 10, 1996, Inter-Office	112	12	Tuchin, Bogdanoff and Stern for Alfred H. Siegel,	09:03:56
13	Memorandum from Toshiba		13	trustee of the Circuit City Trust. And I am here	09:03:59
14	Exhibit 8304 April 17, 1996, Inter-Office	123	14	with our summer associate.	09:04:02
15	Memorandum from Toshiba		15	MR. CASERIA: Leo Caseria, Sheppard,	09:04:04
16	Exhibit 8305 CRT and CTV and PTV Manufacturers	136	16	Mullin for the Samsung SDI defendants.	09:04:04
17	in North America		17	MS. BARCLAY-STROBEL: Jessica	09:04:09
18	Exhibit 8306 E-mail threat, first E-mail dated	163	18	Barclay-Strobel of Munger, Tolles and Olson, on	09:04:09
19	June 23, 2006, from Gary Watkins		19	behalf of the LG Electronics, Inc.	09:04:09
20	to Max Wasinger		20	MR. ADELSON: Eliot Adelson of Kirkland	09:04:14
21			21	and Ellis for Hitachi.	09:04:14
22			22	MR. FUENTES: Gabriel Fuentes on behalf of	09:04:17
23			23	the Mitsubishi Electric defendants and the witness.	09:04:21
24			24	And I am here from Jenner and Block.	09:04:23
25			25	THE VIDEOGRAPHER: Thank you. The witness	09:04:25
Page 11			Page 13		
1	LOS ANGELES, CALIFORNIA; THURSDAY, JULY 16, 2015		1	will be sworn in and counsel may begin the	09:04:26
2	9:02 A.M.		2	examination.	09:04:30
3			3	MR. SAVERI: Why don't we have those	09:04:31
4	THE VIDEOGRAPHER: Good morning. We are	09:02:33	4	people on the phone identify themselves and whom	09:04:32
5	on the record at 9:02 a.m. on July 16, 2015. This	09:02:34	5	they represent.	09:04:34
6	is the video recorded deposition of Max Wasinger.	09:02:40	6	MS. HAJIBANDEH: Marjan Hajibandeh of	09:04:35
7	My name is Gilbert Miranda, here with our	09:02:42	7	Weil, Gotshal and Manges, for the Panasonic	09:04:35
8	court reporter Daryl Baucum. We are here from	09:02:45	8	defendants.	09:04:42
9	Veritext Legal Solutions at the request of counsel	09:02:47	9	MR. BLACK: Jonathan Black, White and	09:04:43
10	for plaintiff.	09:02:50	10	Case, on behalf the Toshiba defendants.	09:04:45
11	This deposition is being held at 633 West	09:02:52	11	MS. GELOTT: Tiffany Gelott, Baker, Botts,	09:04:48
12	Fifth Street, Suite 3600 in Los Angeles.	09:02:56	12	on behalf of the Phillips defendants.	09:04:48
13	The caption of this case is in regards to	09:03:00	13	MR. SAVERI: Anyone else?	09:04:57
14	Cathode Ray Tube Antitrust Litigation versus All	09:03:03	14		09:04:59
15	Direct Purchaser Actions, case number 14CV2058	09:03:07	15	MAX WASINGER,	
16	Please, note that audio and video	09:03:15	16	having been first duly sworn, was	
17	recording will take place unless all parties agree	09:03:17	17	examined and testified as follows:	
18	to go off the record. Microphones are sensitive and	09:03:19	18		
19	may pick up whispers, private conversations and	09:03:21	19	EXAMINATION	09:05:06
20	cellular interference.	09:03:24	20	BY MR. SAVERI:	09:05:13
21	I am not authorized to administer an oath.	09:03:26	21	Q: Good morning, sir. May name is Rick	09:05:15
22	I am not related to any party in this action. Nor	09:03:28	22	Saveri and I represent the direct purchaser	09:05:18
23	am I financially interested in the outcome in any	09:03:30	23	plaintiffs in this action.	09:05:21
24	way.	09:03:33	24	Would you, please, state your full name	09:05:23
25	If there are any objections to proceeding,	09:03:34	25	and spell it for the record.	09:05:25

4 (Pages 10 - 13)

Page 14			
1	A	Max Wasinger. Max is M-A-X, last name	09:05:29
2		Wasinger, W-A-S-I-N-G-E-R.	09:05:33
3	Q	And you go by "Max" not "Maxwell"?	09:05:36
4	A	Just "Max."	09:05:39
5	Q	And do you use any nicknames or aliases or	09:05:40
6		you just go by "Max" or "Mr. Wasinger" -- is it	09:05:43
7		Wasinger?	09:05:46
8	A	Yeah, Wasinger.	09:05:47
9	Q	Wasinger?	09:05:50
10	A	"Max" is fine.	09:05:50
11	Q	"Max" is fine. I will keep it to	09:05:51
12		"Mr. Wasinger."	09:05:53
13		And you don't have any nicknames or	09:05:54
14		aliases or anything like that?	09:05:56
15	A	No.	09:05:57
16	Q	And where do you currently live, sir?	09:05:57
17	A	You want my full address?	09:06:02
18	Q	Sure	09:06:03
19	A	35029 Camino Capistrano, Capistrano Beach,	09:06:04
20		California 92624.	09:06:09
21	Q	And have you ever testified under oath	09:06:12
22		before?	09:06:14
23	A	I have.	09:06:14
24	Q	And when was that?	09:06:15
25	A	I don't recall the exact date. Maybe five	09:06:18
Page 15			
1		years ago.	09:06:21
2	Q	And what was that -- and was it a	09:06:22
3		deposition?	09:06:26
4	A	It was a deposition.	09:06:27
5	Q	And what was the deposition, in what case?	09:06:28
6		Do you recall?	09:06:33
7	A	I don't recall the case.	09:06:33
8	Q	Do you -- were you testifying as it	09:06:34
9		relates to your business activities or personal	09:06:38
10		activities?	09:06:40
11	A	Business activities.	09:06:41
12	Q	And did that case involve LCD, liquid	09:06:49
13		crystal display?	09:06:53
14	A	No.	09:06:56
15	Q	Did that case involve any antitrust	09:06:56
16		matters or cartel matters?	09:06:59
17	A	It -- I don't recall the specifics.	09:07:04
18		Again, sorry. I just don't recall.	09:07:06
19	Q	That is quite all right.	09:07:08
20		To the best of your understanding, what	09:07:10
21		was that litigation about?	09:07:11
22	A	It had to do with manufacturing -- it was	09:07:17
23		actually called "On Behalf of Mitsubishi Electric"	09:07:23
24		and had to do with the quantities of specific models	09:07:29
25		manufactured	09:07:34
Page 16			
1	Q	So the amount of product?	09:07:35
2	A	Yes.	09:07:36
3	Q	That Mitsubishi Electric made?	09:07:37
4	A	Yes.	09:07:38
5	Q	And do you recall where that litigation	09:07:40
6		was?	09:07:42
7	A	It was in, I believe, Irvine, California.	09:07:44
8	Q	So it was in California?	09:07:48
9	A	Yes.	09:07:50
10	Q	Go ahead and finish.	09:07:52
11	A	It was in California.	09:07:53
12	Q	One of the things -- I will get to it in a	09:07:55
13		minute -- is this is a -- since you have been in a	09:07:57
14		deposition, this is a question-and-answer period. I	09:08:01
15		am going to try to get my question out before you	09:08:03
16		answer and I am going to try to let you get your	09:08:05
17		answer out before I ask my next one.	09:08:07
18		And I see you probably are a person like	09:08:10
19		myself who we have a -- probably have a tendency to	09:08:13
20		talk a lot. So we got to be careful here.	09:08:17
21		You understand that?	09:08:19
22	A	Yes.	09:08:20
23	Q	Great. Thank you.	09:08:20
24		And the litigation that we were referring	09:08:23
25		to, you indicated that that was here in California;	09:08:26
Page 17			
1		is that correct?	09:08:35
2	A	Yes.	09:08:36
3	Q	Do you recall the name of the litigation?	09:08:40
4	A	I do not.	09:08:42
5	Q	And to the best of your understanding,	09:08:44
6		that was about five or six years ago, at least, when	09:08:46
7		you were deposed?	09:08:50
8	A	Yes.	09:08:51
9	Q	Do you recall the law firm that	09:08:54
10		represented you in that litigation?	09:08:56
11	A	I do not.	09:08:58
12	Q	Do you recall the law firm or the lawyer	09:09:00
13		that took the deposition?	09:09:02
14	A	Took on behalf of Mitsubishi Electric.	09:09:10
15	Q	Whoever was taking the deposition?	09:09:13
16		MR. FUENTES: Object to the form.	09:09:16
17		THE WITNESS: I don't recall -- Alan	09:09:21
18		Alswang, I believe was the head of that area, but I	09:09:23
19		don't recall the attorney that took -- I don't	09:09:26
20		recall his name. I will think of it. I am sure,	09:09:30
21		before the end of the day.	09:09:32
22		BY MR. SAVERI.	09:09:34
23	Q	Fair enough, fair enough.	09:09:35
24		And at that time, were you a MELCO	09:09:39
25		employee?	09:09:43

5 (Pages 14 - 17)

Page 18				Page 20			
1	A	I was an MDEA employee.	09:09:44	1	please, give an oral answer to all my questions. Do	09:11:50	
2	Q	And this would be about 2010.	09:09:52	2	not nod or shake your head in response to any	09:11:53	
3	A	Yes, that time period.	09:09:55	3	question as that will not be transcribed.	09:11:56	
4	Q	Just to go over a few ground rules here,	09:10:02	4	Is that clear?	09:11:58	
5		you have been in a deposition before but --	09:10:07	5	A Yes.	09:12:00	
6	A	May I?	09:10:09	6	Q Also, for the sake of the court reporter,	09:12:03	
7	Q	Sure. Go ahead.	09:10:10	7	it's important that we speak slowly and not try to	09:12:05	
8	A	I believe the attorney was Ron Taylor.	09:10:11	8	talk over each other.	09:12:09	
9	Q	Ron Taylor.	09:10:15	9	Okay?	09:12:11	
10		So you were right, you would remember it.	09:10:18	10	A Yes.	09:12:11	
11		All right.	09:10:21	11	Q My job is to ask clear questions. If you	09:12:13	
12		Just to go over a few ground rules. So	09:10:22	12	do not fully understand the question I have asked,	09:12:16	
13		you have been through a deposition before. You	09:10:24	13	please, ask me to clarify it and I will do the best	09:12:19	
14		understand that this is a formal process on the	09:10:26	14	to do so. When you answer a question, it will be	09:12:23	
15		record where I ask the questions and you give the	09:10:28	15	presumed that you understood the question.	09:12:27	
16		answers. We're taking video and a court reporter is	09:10:31	16	Does that sound fair?	09:12:29	
17		going to take down everything you say.	09:10:34	17	A Yes.	09:12:30	
18		Okay?	09:10:36	18	Q Your counsel may make an objection once I	09:12:32	
19	A	Yes.	09:10:37	19	have asked a question. Once your counsel has stated	09:12:37	
20	Q	And you understand that you are under oath	09:10:38	20	the objection, you are required to answer the	09:12:40	
21		and that you are required to give truthful	09:10:40	21	question unless your counsel specifically instructs	09:12:42	
22		testimony.	09:10:43	22	you not to	09:12:46	
23	A	Yes.	09:10:43	23	Okay?	09:12:47	
24	Q	And you understand that that means that	09:10:45	24	A Yes.	09:12:47	
25		you are supposed to give honest and truthful answers	09:10:49	25	Q And I may be referring to questions as to	09:12:51	
Page 19				Page 21			
1		just as if you were sitting before a judge or a	09:10:52	1	relevant time period or the time period in question,	09:12:53	
2		jury?	09:10:54	2	something like that, and that period will be from	09:12:57	
3	A	Yes.	09:10:55	3	March 1, 1995 through December 31, 2007	09:13:03	
4	Q	And are you willing to abide your oath and	09:10:55	4	Is that okay?	09:13:08	
5		tell the full truth to the best of your ability	09:10:59	5	A Yes.	09:13:09	
6		during this deposition?	09:11:01	6	Q And unless I say otherwise, that is the	09:13:10	
7	A	Yes.	09:11:02	7	period in question when I ask all the questions that	09:13:14	
8	Q	And you understand that the videotape of	09:11:05	8	I am going to be asking.	09:13:17	
9		your testimony today could be presented to a jury if	09:11:08	9	Okay?	09:13:20	
10		the case goes to trial?	09:11:12	10	A Yes.	09:13:21	
11	A	Yes.	09:11:14	11	Q Did you do anything to prepare for your	09:13:25	
12	Q	And as this deposition goes along, please,	09:11:16	12	deposition today?	09:13:27	
13		let me know if you need to take a break. And we can	09:11:19	13	A No.	09:13:28	
14		take one after a pending question or a line of	09:11:22	14	Q Did you meet with any of your lawyers	09:13:31	
15		questions on a document that has been answered.	09:11:25	15	before you --	09:13:33	
16		Okay?	09:11:29	16	A I met -- I met with Mr. Fuentes.	09:13:34	
17	A	Yes.	09:11:29	17	Q And when did you meet with Mr. Fuentes?	09:13:40	
18	Q	And a few additional ground rules you	09:11:34	18	A Yes, yes.	09:13:43	
19		probably went over with your attorney. The court	09:11:37	19	Q And how long was that meeting?	09:13:44	
20		reporter will be transcribing everything that we say	09:11:39	20	A A couple of hours.	09:13:46	
21		for the purpose of creating an official record of	09:11:42	21	Q And was anyone else present at the meeting	09:13:51	
22		this deposition.	09:11:44	22	besides --	09:13:55	
23		You understand that.	09:11:45	23	A No. Sorry.	09:13:56	
24	A	Yes.	09:11:46	24	Q I can see where this is. We will keep	09:13:58	
25	Q	And that as I just sort of went over,	09:11:47	25	working on it.	09:14:01	

6 (Pages 18 - 21)

Page 22			Page 24		
1	So I'm going to just repeat it just so we	09:14:02	1	that?	09:16:21
2	get it clear.	09:14:05	2	A Two months ago.	09:16:23
3	Was anyone else present at the meeting	09:14:06	3	Q A few months ago?	09:16:24
4	with you and Mr. Fuentes yesterday?	09:14:08	4	A Yes.	09:16:25
5	A No.	09:14:11	5	Q So besides Mr. Fuentes yesterday and a	09:16:26
6	Q Thank you	09:14:11	6	scheduling conversation, did you talk to anybody at	09:16:30
7	Besides that meeting, did you have any	09:14:16	7	Jenner, Block, about anything related to this	09:16:34
8	other meetings with anybody to discuss your	09:14:18	8	litigation?	09:16:36
9	deposition today?	09:14:22	9	A No.	09:16:37
10	A No.	09:14:23	10	Q Besides the meeting yesterday with	09:16:39
11	Q Did you meet with any other Mitsubishi	09:14:26	11	Mr. Fuentes and the scheduling conversation, did you	09:16:41
12	colleagues to discuss your deposition?	09:14:31	12	talk to anybody at Mitsubishi regarding your	09:16:44
13	A No.	09:14:34	13	deposition today?	09:16:49
14	Q Do you know Mr. Furakawa?	09:14:37	14	A Yes.	09:16:51
15	A Yes.	09:14:40	15	Q And who was that?	09:16:51
16	Q Did you talk to Mr. Furakawa about your	09:14:40	16	A Perry Pappas.	09:16:53
17	deposition today?	09:14:44	17	Q And who is Mr. Pappas?	09:16:58
18	A No.	09:14:45	18	A I believe he's general counsel for MEUS.	09:17:01
19	Q Did you talk to him about his deposition?	09:14:45	19	Q And when did you talk to Mr. Pappas?	09:17:08
20	A No.	09:14:47	20	A The first call that I received regarding	09:17:12
21	Q Did you review any documents in	09:14:52	21	this deposition was from him that you will be	09:17:14
22	preparation for your deposition today?	09:14:54	22	receiving a call from Jenner, Block, you have -- you	09:17:17
23	A No.	09:14:55	23	will be asked to participate in a deposition. That	09:17:20
24	Q Did you ask to see any documents for your	09:15:00	24	was the extent of the phone call.	09:17:24
25	deposition today?	09:15:03	25	Q And that was the only conversation that	09:17:28
Page 23			Page 25		
1	A No.	09:15:05	1	you had with Mr. Pappas?	09:17:29
2	Q Have you communicated about this	09:15:09	2	A Yes.	09:17:31
3	deposition with anyone apart from your lawyers and	09:15:11	3	Q And that's the only conversation you had	09:17:31
4	Mr. Fuentes yesterday?	09:15:15	4	with anybody at Mitsubishi regarding this	09:17:32
5	A No.	09:15:16	5	deposition?	09:17:34
6	Q Did you take any notes to prepare for this	09:15:22	6	A Yes.	09:17:35
7	deposition?	09:15:29	7	Q Now, did you talk to anybody at Mitsubishi	09:17:36
8	A No.	09:15:29	8	besides the conversation yesterday with Mr. Fuentes	09:17:39
9	Q Do you have any medical conditions that	09:15:35	9	and this scheduling call and this call with	09:17:43
10	would prevent you from testifying today?	09:15:37	10	Mr. Pappas with anybody else at Mitsubishi regarding	09:17:47
11	A No.	09:15:39	11	anything related to this litigation?	09:17:50
12	Q Have you taken any medications that may	09:15:40	12	A No.	09:17:54
13	affect your memory in any way?	09:15:42	13	Q Did you talk to any -- do you know a	09:17:56
14	A No.	09:15:44	14	gentleman by the name of Mr. Hara?	09:17:59
15	Q So just I'm clear, so before your meeting	09:15:47	15	A No.	09:18:03
16	yesterday with Mr. Fuentes, have you talked to	09:15:51	16	Q You didn't talk to anybody at MELCO	09:18:04
17	anybody at Jenner, Block, or anybody about this	09:15:55	17	regarding this litigation?	09:18:07
18	litigation?	09:16:01	18	A No.	09:18:08
19	A Only to inform me that I was going to be	09:16:02	19	Q Did you talk to anybody at any Mitsubishi	09:18:10
20	deposed. That's the only communication I had.	09:16:05	20	US entity regarding this litigation?	09:18:14
21	Q So you had some communication where	09:16:11	21	A No.	09:18:18
22	somebody said some dates possibly for your	09:16:13	22	Q At any time, did you receive any	09:18:19
23	deposition and scheduling?	09:16:15	23	communication from Mitsubishi regarding documents or	09:18:22
24	A Yes.	09:16:18	24	anything related to this litigation?	09:18:30
25	Q And besides -- and approximately when was	09:16:18	25	MR. FUENTES. Object to the form.	09:18:32

7 (Pages 22 - 25)

Page 26			Page 28		
1	THE WITNESS: I don't recall.	09:18:34	1	How have you understood it to be referred	09:20:56
2	BY MR. SAVERI	09:18:35	2	to at Mitsubishi?	09:20:59
3	Q One way or the other.	09:18:35	3	A "CRT."	09:21:00
4	A That's correct.	09:18:37	4	Q Just a "CRT"?	09:21:02
5	Q But you don't recall ever getting any	09:18:37	5	A Correct.	09:21:03
6	letter from Mitsubishi or Jenner, Block, about	09:18:39	6	Q And then a tube that goes into a monitor,	09:21:05
7	preserving documents or anything?	09:18:47	7	would that also be referred to as a "CRT" or a	09:21:09
8	MR. FUENTES: Object to form.	09:18:50	8	"CDT," a color display tube?	09:21:13
9	THE WITNESS: That is correct.	09:18:51	9	A I never have heard the expression "CDT,"	09:21:18
10	BY MR. SAVERI	09:18:51	10	just "CRT."	09:21:22
11	Q You don't recall ever getting one.	09:18:51	11	Q Just "CRT."	09:21:24
12	A Yes.	09:18:53	12	So when we say "CRT" from during this	09:21:25
13	Q What is your understanding of what this	09:19:04	13	deposition, it will refer to the tube that goes into	09:21:29
14	case is about?	09:19:06	14	a television or monitor.	09:21:32
15	MR. FUENTES: Object to form.	09:19:09	15	Fair enough?	09:21:35
16	BY MR. SAVERI.	09:19:11	16	A Yes.	09:21:36
17	Q Go ahead.	09:19:12	17	Q And then when I refer to "CRT products," I	09:21:41
18	A About some price fixing on cathode ray	09:19:14	18	am going to -- that will refer to a television or a	09:21:44
19	tubes that go into television sets.	09:19:24	19	monitor.	09:21:47
20	Q So besides some price fixing related to	09:19:27	20	Fair enough?	09:21:47
21	CRT tubes in television sets, do you have any	09:19:38	21	A Yes.	09:21:49
22	understanding or additional understanding of this	09:19:41	22	Q Or I will say "television" or "monitor"	09:21:50
23	litigation?	09:19:42	23	just to clarify.	09:21:53
24	MR. FUENTES: Object to form.	09:19:43	24	A That would be better.	09:21:54
25	THE WITNESS: No.	09:19:46	25	Q I would like to get a little educational	09:22:02
Page 27			Page 29		
1	BY MR. SAVERI	09:19:47	1	background and then move on.	09:22:05
2	Q Just to go over some terminology so that	09:19:55	2	Did you attend college?	09:22:07
3	we can get on the same page, you mentioned cathode	09:19:59	3	A Yes.	09:22:08
4	ray tubes. It's sometimes referred to as "CRT."	09:20:02	4	Q And where was that?	09:22:09
5	Do you understand that?	09:20:07	5	A Fort Hays State University in Hays.	09:22:11
6	A Yes.	09:20:07	6	Kansas.	09:22:13
7	Q So if I say "CRT," you will understand	09:20:08	7	Q And did you receive a degree?	09:22:16
8	that to mean a cathode ray tube; is that correct?	09:20:09	8	A Yes.	09:22:18
9	A Yes.	09:20:13	9	Q And what was your degree in?	09:22:18
10	Q And cathode ray tubes can't be used,	09:20:15	10	A Business administration.	09:22:20
11	themselves.	09:20:23	11	Q And that's an undergraduate degree?	09:22:25
12	They're put into a product, is that	09:20:24	12	A Yes.	09:22:27
13	correct?	09:20:25	13	Q Did you ever get any advanced degrees	09:22:27
14	A Yes.	09:20:26	14	beyond college?	09:22:31
15	Q And that's usually a television or a	09:20:26	15	A No advanced degrees, per se, although I	09:22:32
16	monitor; is that correct?	09:20:31	16	did attend the Institute for Advanced Advertising	09:22:35
17	A Yes.	09:20:31	17	Studies at Northwestern University as part of a	09:22:39
18	Q And a cathode ray tube that goes into a	09:20:33	18	management training program at Motorola.	09:22:42
19	television is generally referred to as a "CPT"; is	09:20:36	19	Q And do you get a certificate for that or	09:22:46
20	that correct?	09:20:41	20	is there a licensing or something from that for	09:22:48
21	A I have never heard it called that before.	09:20:41	21	attendance?	09:22:51
22	Q Color picture tube?	09:20:45	22	A Yes, yes, I received a certificate of	09:22:54
23	A Well, color picture tube. I know what that.	09:20:46	23	completion.	09:22:56
24	means. I have never heard it called a "CPT."	09:20:48	24	Q And how long is that program?	09:23:00
25	Q So a tube that goes into a television.	09:20:52	25	A It was about nine months.	09:23:01

8 (Pages 26 - 29)

Page 30				Page 32			
1	Q	And that was in advertising, correct?	09:23:05	1	MEVSA?		09:26:35
2	A	That's correct.	09:23:07	2	A	For approximately three years.	09:26:40
3	Q	Have you studied Japanese at all?	09:23:09	3	Q	Just to get this outline, I am just going	09:26:52
4	A	No.	09:23:11	4		to try to go through your work history here. So	09:26:56
5	Q	Do you speak Japanese?	09:23:12	5		that's what I am getting at. And I will work	09:26:58
6	A	No.	09:23:15	6		through all the different Mitsubishi entities. So	09:27:00
7	Q	Do you read Japanese?	09:23:16	7		it's a little confusing for me. So hopefully, we	09:27:02
8	A	No.	09:23:17	8		can clear it up.	09:27:05
9	Q	So I'm assuming you don't write Japanese.	09:23:18	9		So that would put us at about 12/2010, is	09:27:06
10	A	That's correct.	09:23:22	10		that correct, when you took over as EVP of Sales for	09:27:14
11	Q	Are you currently employed?	09:23:38	11	MEVSA?		09:27:17
12	A	No.	09:23:41	12	A	Approximately, yes.	09:27:18
13	Q	And what was the last job you held?	09:23:43	13	Q	And before that, what was your job at	09:27:19
14	A	I worked for a company called Meridian	09:23:48	14		Mitsubishi entities?	09:27:25
15		Enterprises for about seven months after I retired	09:23:50	15	A	EVP of Sales and Marketing of MDEA,	09:27:27
16		from Mitsubishi	09:23:55	16		Mitsubishi Digital Electronics America.	09:27:38
17	Q	And what does Meridian Enterprises do?	09:24:06	17	Q	And how long were you EVP of Sales of	09:27:42
18	A	Customer support and motivational programs	09:24:13	18		Marketing for MDEA?	09:27:46
19		for corporations.	09:24:19	19	A	I don't recall the exact date but maybe	09:27:50
20	Q	And where are they located?	09:24:22	20		for two years.	09:27:54
21	A	St. Louis, Missouri.	09:24:25	21	Q	So approximately in 2008, you started as	09:28:02
22	Q	And did you commute from California to	09:24:37	22		EVP of Sales for MDEA?	09:28:07
23		St. Louis?	09:24:44	23	A	Approximately.	09:28:12
24	A	No.	09:24:44	24	Q	And MDEA is located where?	09:28:12
25	Q	And what was your role at Meridian	09:24:45	25	A	Well, they're no longer in existence.	09:28:15
Page 31				Page 33			
1		Enterprises?	09:24:47	1	Q	Where were they located?	09:28:19
2	A	Sales.	09:24:49	2	A	Irvine, California.	09:28:21
3	Q	Did you have a region?	09:24:50	3	Q	And is this a different facility than the	09:28:25
4	A	No, no specific boundaries.	09:24:54	4		MEVSA location in Cypress?	09:28:29
5	Q	So you indicated that you went to Meridian	09:24:59	5	A	Yes.	09:28:32
6		after you left Mitsubishi; is that correct?	09:25:02	6	Q	And when did MDEA cease to exist?	09:28:33
7	A	That's correct.	09:25:04	7	A	I don't recall the specific date. Right	09:28:41
8	Q	And what was your last day at Mitsubishi?	09:25:05	8		prior to the opening of MEVSA. It transitioned from	09:28:45
9	A	December 31, 2013.	09:25:09	9		MDEA to MEVSA.	09:28:52
10	Q	And what was your title when you left	09:25:21	10	Q	So the entity that was MDEA then became	09:28:56
11		Mitsubishi in December of 2013?	09:25:24	11		MEVSA?	09:29:01
12	MR. FUENTES	Object to the form.	09:25:29	12	A	That's correct.	09:29:02
13		Mitsubishi.	09:25:31	13	Q	And what was your role -- what were your	09:29:12
14	THE WITNESS:	EVP of Sales for MEVSA,	09:25:33	14		duties and responsibilities as EVP of Sales and	09:29:16
15		Mitsubishi Visual Solutions America.	09:25:41	15		Marketing at MDEA?	09:29:18
16	BY MR. SAVERI:		09:25:43	16	A	I was responsible for all sales of display	09:29:24
17	Q	And MEVSA is located where?	09:25:49	17		products -- consumer display products and marketing.	09:29:29
18	A	Cypress, California.	09:25:56	18	Q	And could you give me just a general list	09:29:43
19	Q	And where was your office?	09:26:02	19		of when you say "display products," is that	09:29:46
20	A	Cypress, California.	09:26:03	20		televisions monitors?	09:29:49
21	Q	And what were your duties and	09:26:05	21	A	Televisions only.	09:29:52
22		responsibilities as EVP of Sales for MEVSA?	09:26:13	22	Q	Just televisions?	09:29:52
23	A	I was responsible for the sales of	09:26:17	23	A	That's correct.	09:29:53
24		professional display products.	09:26:21	24	Q	And in the televisions, is that LCD plasma	09:29:54
25	Q	And how long were you EVP of Sales of	09:26:30	25		CRT?	09:29:59

Page 34			Page 36		
1	A	Yes. 09:30:00	1	A	Just VP of Sales. 09:32:44
2	Q	So at this time, the '08 to 2010, MDEA was 09:30:02	2	Q	And when did you become VP of Sales? 09:32:50
3		selling CRT televisions? 09:30:09	3	A	I don't recall the specific date but 09:33:01
4	A	No. 09:30:13	4		around 2000. 09:33:03
5	Q	But when that last -- the previous 09:30:15	5	Q	So from 2000 to 2006, you were the Vice 09:33:09
6		question when I say "display products," televisions 09:30:18	6		President of Sales at MDEA? 09:33:12
7		would include through the history of Mitsubishi, 09:30:20	7	A	Correct. 09:33:16
8		CRT's, plasma, LCD and other things, I assume. 09:30:22	8	Q	And as VP of Sales at MDEA, what were your 09:33:21
9	MR. FUENTES:	Object to the assumption in 09:30:30	9		duties and responsibilities? 09:33:24
10		the question. 09:30:33	10	A	The sales of consumer electronics 09:33:27
11	BY MR. SAVERI:	09:30:34	11		products. 09:33:30
12	Q	Go ahead. 09:30:34	12	Q	And before that -- and how long were you 09:33:39
13	A	Well, the primary thrust of our business 09:30:35	13		in the VP of Sales at MDEA? 09:33:43
14		was projection TV. 09:30:38	14	A	Well, for that 2000 time period -- 09:33:51
15	Q	Rear projection TV? 09:30:42	15		approximately 2000 time period to when I got 09:33:54
16	A	Yes. 09:30:44	16		promoted to SVP of Sales. 09:33:58
17	Q	And those used CRT tube, correct? 09:30:44	17	Q	Just so I'm clear, you started as VP of 09:34:11
18	A	That's correct. 09:30:50	18		Sales at MDEA in 2000, correct? 09:34:13
19	Q	Go ahead. 09:30:52	19	A	Correct. 09:34:16
20	A	The earlier generations did. The latter 09:30:52	20	Q	And before that, what was your job role at 09:34:17
21		generations used a chip set from DI called "DLP," 09:30:55	21		MDEA? 09:34:21
22		DLP projection TV. 09:31:00	22	A	We had two regions. I was the Western 09:34:23
23	Q	And about when were tubes taken out and 09:31:03	23		Regional Vice President. 09:34:26
24		went to DLP? 09:31:05	24	Q	And when did you start that role? 09:34:33
25	A	I am going to say 2000 -- again, I don't 09:31:07	25	A	Maybe 19- -- again, I don't know. 09:34:43
Page 35			Page 37		
1		recall -- 09:31:11	1		specifically. I'm going to give you an approximate 09:34:46
2	Q	The best -- 09:31:12	2		date. Around 1995 or 1996. 09:34:49
3	A	-- the exact date. 09:31:13	3	Q	And you said you were the Western Regional 09:34:55
4	Q	The best of your recollection. 09:31:14	4		VP. 09:34:58
5	A	2004, 2005, maybe. 09:31:16	5		And this is all at MDEA, is that correct? 09:34:59
6	Q	Prior to your becoming EVP of Sales and 09:31:22	6	A	No, that would have been at MCEA, I 09:35:05
7		Marketing for MDEA in 2008, what was your job for 09:31:28	7		believe. 09:35:10
8		Mitsubishi? 09:31:39	8	Q	And what is MCEA? 09:35:14
9	A	I was VP of Sales -- actually SVP of Sales 09:31:40	9	A	Mitsubishi Consumer Electronics America. 09:35:15
10		for MDEA. 09:31:45	10	Q	And is that the predecessor to MDEA? 09:35:18
11	Q	And how long were you SVP of Sales for 09:31:53	11	A	Yes. 09:35:23
12		MDEA? 09:31:56	12	Q	So it's your understanding that MCEA -- 09:35:23
13	A	I don't recall, maybe two years. 09:31:59	13		well, where was MCEA located? 09:35:29
14	Q	So 2006 and before. 09:32:03	14	A	In Norcross, Georgia. 09:35:33
15		And generally, what were your duties -- 09:32:09	15	Q	Did they have an office out here in 09:35:47
16		were your duties and responsibilities as SVP of 09:32:12	16		California? 09:35:50
17		Sales for MDEA different than your duties and 09:32:15	17	A	They were located in California prior to 09:35:50
18		responsibilities as EVP? 09:32:17	18		moving to Norcross, Georgia. 09:35:53
19	A	No, same basic responsibilities, the sales 09:32:19	19	Q	And where were they in California prior to 09:35:56
20		of product. 09:32:22	20		moving to Norcross, Georgia? 09:35:58
21	Q	Sales of product. 09:32:23	21	A	Santa Ana, California. 09:36:01
22		Different title but same general duties? 09:32:25	22	Q	And do you recall when they moved from 09:36:02
23	A	Correct. 09:32:33	23		Santa Ana to Norcross? 09:36:04
24	Q	And before SVP of Sales for MDEA in 2006. 09:32:38	24	A	1994, I think. 09:36:07
25		what was your job role? 09:32:41	25	Q	And how long were they in Norcross? 09:36:12

10 (Pages 34 - 37)

Page 38			Page 40		
1	A	Four years. 09:36:17	1	between. I mean we had many changes in management	09:40:06
2	Q	And then so in 1998, then what happened to 09:36:18	2	during that time period. So it may have been	09:40:11
3		MCEA in Norcross? 09:36:22	3	someone else who came in before Mr. Tachibana. I	09:40:13
4	A	It just ceased to exist. I mean they 09:36:24	4	can't recall. 09:40:26	
5		closed it down. 09:36:27	5	Q And when you were the Western Region VP	09:40:28
6	Q	They closed that facility down? 09:36:28	6	from '95 to 2000, did you have people who reported to	09:40:30
7	A	Yes. 09:36:30	7	you? 09:40:34	
8	Q	And the facility in Santa Ana, did that 09:36:30	8	A Yes. 09:40:35	
9		close in 1994? 09:36:38	9	Q And how many people reported to you during	09:40:35
10	A	I believe so. 09:36:42	10	that period of time? 09:40:37	
11	Q	And when you worked for MCEA, were you 09:36:44	11	A I don't -- I don't recall specifically the	09:40:38
12		located in Georgia? 09:36:51	12	number of people that reported to me. 09:40:40	
13	A	Yes. 09:36:54	13	Q And what were your duties and	09:40:43
14	Q	So you moved to Georgia. 09:36:57	14	responsibilities as the Western Region VP for MCEA	09:40:44
15	A	Yes. 09:36:59	15	from '95 to 2000? 09:40:47	
16	Q	And you indicated that you were the 09:37:01	16	A To sell Mitsubishi consumer electronics	09:40:50
17		Western Regional VP from 1995 to roughly 2000; is 09:37:13	17	products to dealers, who in turn resold them to	09:40:55
18		that correct? 09:37:19	18	consumers. 09:41:01	
19	A	To the best of my recollection, yes. 09:37:20	19	Q And Mitsubishi consumer electronic	09:41:12
20	Q	And who was the Eastern Regional VP at 09:37:23	20	products include what items? 09:41:14	
21		that time for MCEA? 09:37:27	21	A For I believe part of that time, it would	09:41:21
22	A	Howard Borsa. 09:37:29	22	have been color TV, some audio product. And the	09:41:23
23	Q	Could you spell that for me, please. 09:37:36	23	major part of the business was projection TV, 09:41:37	
24	A	Howard is H-O-W-A-R-D and Borsa as in 09:37:39	24	CRT-based projection TV. 09:41:39	
25		B-O-R-S-A 09:37:43	25	Q In 2000 when you became VP of Sales at	09:41:59
Page 39			Page 41		
1	Q	And was he also located down in Georgia 09:37:46	1	MDEA, whom did you report to then? 09:42:07	
2		with you? 09:37:48	2	A Mr. Tachibana. 09:42:14	
3	A	Yes. 09:37:48	3	Q And he would have been the president, is	09:42:17
4	Q	And the western region includes what area? 09:37:51	4	that correct? 09:42:19	
5	A	Generally, pretty much everything from the 09:37:58	5	A President and Chairman. He had multiple	09:42:20
6		Mississippi west. 09:38:03	6	titles, I believe. He was operating president, yes. 09:42:23	
7	Q	So from 1995 to 2000 as the Western Region 09:38:16	7	Q Would you have considered him the senior	09:42:28
8		VP in MCEA, whom did you report to? 09:38:21	8	executive of MCEA at that time? 09:42:34	
9	A	The President who was Jack -- hang on a 09:38:29	9	A Yes. 09:42:38	
10		second -- the president, Jack Osborne, but he left 09:38:33	10	Q Excuse me. That would have been MDEA at	09:42:39
11		in 1999, to the best of my recollection. Then I 09:38:37	11	that time, is that correct? 09:42:40	
12		went on to report to the Japanese CEO and Chairman 09:38:43	12	A Yes, to the best of my recollection, yes. 09:42:44	
13		Stitaka Tachibana. 09:38:53	13	Q And did you have -- when you were VP of	09:42:50
14	Q	And Mr. Tachibana, was he an employee of 09:39:12	14	Sales from 2000 to 2006, I believe at MDEA, did you	09:42:53
15		MCEA or MELCO? 09:39:17	15	have salespeople who reported to you? 09:43:01	
16	A	I think he was an employee of MCEA and 09:39:22	16	A Yes. 09:43:03	
17		then became an employee of MDEA. 09:39:25	17	Q And about how many salespeople did you	09:43:04
18	Q	Do you know if he was also an employee of 09:39:32	18	have? 09:43:06	
19		MELCO -- when I refer to "MELCO," that is Mitsubishi 09:39:35	19	A I don't recall the exact number. 09:43:08	
20		Electric Japan? 09:39:38	20	Q Four, five, ten, roughly, your best	09:43:10
21	A	I have no idea. 09:39:41	21	understanding. 09:43:14	
22	Q	But Mr. Tachibana took over as president 09:39:54	22	A Probably 20 -- 20 or so, 20 plus. 09:43:19	
23		of MCEA? 09:39:58	23	Q And were the 20 -- let me back up. 09:43:25	
24	A	I don't recall. I don't recall the 09:40:00	24	In from '95 to 2000 when you were Western	09:43:32
25		exact -- there may have been some other person in 09:40:02	25	Region VP, about how many individuals reported to	09:43:36

11 (Pages 38 - 41)

Page 42			Page 44		
1	you then?	09:43:39	1	Q Did you have a written contract with MCEA	09:46:29
2	Do you recall?	09:43:42	2	for this period of time, the 1995 to 2000, that	09:46:33
3	A About half that many	09:43:44	3	would spell out your compensation as well as your	09:46:36
4	Q About ten?	09:43:45	4	sales goals?	09:46:42
5	A Ten or twelve, something like that	09:43:46	5	A No.	09:46:43
6	Q And were the -- were they all -- were each	09:43:48	6	Q You had no written agreement -- strike	09:46:43
7	of the sales positions that reported to you, were	09:43:51	7	that.	09:46:48
8	they all the same or were they broken up into	09:43:53	8	From 1995 to 2000 as Western Regional VP	09:46:49
9	different categories, OEM's or dealers or something?	09:43:56	9	for MCEA, did you have any written employment	09:46:53
10	A They were all the same. They just called	09:44:03	10	agreement with MCEA?	09:46:57
11	on dealers.	09:44:04	11	A Not that I recall.	09:46:59
12	Q So they were all the selling to dealers,	09:44:05	12	Q But your compensation at MCEA from '95 to	09:47:03
13	the individuals that reported to you from the '95 to	09:44:06	13	2000 was predicated on your achieving certain sales	09:47:14
14	2000 period?	09:44:10	14	goals, is that correct?	09:47:21
15	A They sold to dealers, yes. However, some	09:44:11	15	A That is correct.	09:47:22
16	were retail specialists who called on the actual	09:44:13	16	Q And did it ever come to a time that you --	09:47:23
17	retail stores, had no real sales quota	09:44:17	17	from '95 to 2000 at MCEA that you did not meet your	09:47:26
18	responsibility. Some were sales -- what we called	09:44:21	18	sales goals?	09:47:29
19	account executives who called and were commissioned	09:44:24	19	A Yes.	09:47:31
20	sales personnel. And then I had a couple of	09:44:27	20	Q And what years do you recall were those?	09:47:32
21	regional vice presidents who had some direct reports	09:44:31	21	A I don't recall the specific years. It was	09:47:35
22	in to them, all within that number of people.	09:44:36	22	a very difficult time. Maybe I can explain why.	09:47:37
23	Q All within that roughly ten. So you had	09:44:39	23	Q No, that's okay. Let me ask the questions	09:47:41
24	about --	09:44:41	24	and we will go from there. I think it may be a	09:47:43
25	A Twelve -- maybe ten, twelve people, yes.	09:44:42	25	little easier, but did you -- from 1995 to 2000, did	09:47:46
Page 43			Page 45		
1	Q So you had roughly maybe two or three	09:44:45	1	you ever make your sales goals at MCEA?	09:47:52
2	people who were vice presidents and the others	09:44:47	2	A Yes.	09:47:55
3	reported into them, those two or three.	09:44:50	3	Q Do you recall whether you made your sales	09:48:00
4	Now, all of them reported to you.	09:44:54	4	goals more than you lost your sales -- then you did	09:48:02
5	A That is correct.	09:44:56	5	not make your sales goals from this '95 to 2000	09:48:05
6	Q Besides the President -- from 1995 to 2000	09:45:03	6	period?	09:48:08
7	when you were the Western Region VP, besides the	09:45:08	7	A I don't recall.	09:48:13
8	President, did you report to anybody at Japan?	09:45:11	8	Q So to sum it up, some years you made your	09:48:16
9	A No.	09:45:14	9	sales goals, some years you didn't make your sales	09:48:20
10	Q You didn't report to anyone at MELCO?	09:45:15	10	goals, is that correct?	09:48:23
11	A No.	09:45:18	11	A That's correct.	09:48:24
12	Q Did you report to any other Mitsubishi	09:45:19	12	Q And was the review of your sales goals,	09:48:24
13	entity out there?	09:45:21	13	was that annually or was it done quarterly or, you	09:48:29
14	A No.	09:45:22	14	know, every half -- six months or so?	09:48:33
15	Q And did your compensation at Mitsubishi	09:45:50	15	How was that done?	09:48:37
16	for the -- let's start in the when you were Western	09:46:01	16	A I don't remember.	09:48:43
17	Regional VP from '95 to 2000 at MCEA.	09:46:05	17	Q And from 2000 to 2006 when you were VP of	09:48:51
18	Did your compensation include bonuses for	09:46:08	18	Sales at MDEA, was your salary also predicated on	09:48:56
19	attaining certain sales goals?	09:46:11	19	your meeting certain sales goals?	09:49:04
20	MR. FUENTES. Object to the form.	09:46:14	20	A Yes.	09:49:12
21	THE WITNESS. Yes.	09:46:19	21	Q And when you were VP of Sales at MDEA from	09:49:14
22	BY MR. SAVERI.	09:46:20	22	2000 to 2006, did you have a written employment	09:49:19
23	Q And do you recall what those sales goals	09:46:21	23	agreement with MDEA?	09:49:23
24	were?	09:46:26	24	A Not that I recall.	09:49:26
25	A I am sorry. I do not recall.	09:46:27	25	Q Do you recall what your sales goals were	09:49:28

12 (Pages 42 - 45)

Page 46

1 when you were VP of Sales at MDEA from 2000 to 2006? 09:49:31

2 A I don't remember. Sorry. 09:49:38

3 Q Do you recall when you were VP of Sales at 09:49:53

4 MDEA from 2000 to 2006 where you did not make your 09:49:55

5 sales targets, so you didn't receive your full 09:50:02

6 compensation? 09:50:06

7 A Yes, that happened from time to time. 09:50:08

8 Q And why don't we -- and what was your 09:50:15

9 compensation for the Western Regional VP from in 09:50:20

10 1995 for MCEA? 09:50:24

11 A I don't recall exact amount of money. 09:50:27

12 Q Was it over \$100,000? 09:50:30

13 A Yes. 09:50:33

14 Q Was it over \$200,000? 09:50:34

15 MR. FUENTES: Object to the relevance of 09:50:41

16 this. 09:50:42

17 THE WITNESS: Yes. 09:50:53

18 BY MR. SAVERI: 09:50:53

19 Q Was it over \$300,000? 09:50:54

20 A Not that I recall. 09:50:56

21 Q And when you became VP of Sales from MDEA 09:50:58

22 to -- from 2000 to 2006, what was your compensation 09:51:00

23 then? 09:51:05

24 MR. FUENTES: Same objection. 09:51:07

25 THE WITNESS: Similar to prior -- to the 09:51:11

Page 47

1 prior program. 09:51:14

2 BY MR. SAVERI: 09:51:15

3 Q Did it after -- I'm sorry. Go ahead. 09:51:15

4 Did you finish? 09:51:19

5 A Yes. 09:51:20

6 Q Did it ever go over \$300,000 during any 09:51:20

7 one of those periods of time? 09:51:23

8 A I don't recall. 09:51:27

9 Q When you say you don't recall, you don't 09:51:31

10 recall it ever occurring or it's more likely than 09:51:34

11 not that it didn't occur? 09:51:39

12 A I just don't recall what the compensation 09:51:40

13 was at that time. Sorry. 09:51:42

14 Q And at none of these times from 1995 to 09:51:47

15 2006 did you ever have a written employment contract 09:51:50

16 with MCEA or MDEA. 09:51:53

17 A Not that I remember. 09:51:57

18 Q You don't recall signing any employment -- 09:51:58

19 A That's correct. 09:52:01

20 Q When you were Western Region VP for MCEA 09:52:24

21 from 1995 to 2000, did you have an E-mail address at 09:52:28

22 Mitsubishi? 09:52:34

23 A Yes. 09:52:36

24 Q And do you recall what your E-mail address 09:52:36

25 was? 09:52:39

Page 48

1 A I don't recall. 09:52:41

2 Q Would it be MWassinger@Mitsubishi.com? 09:52:42

3 A Probably something like that. Had to have 09:52:46

4 "Mitsubishi" in there somewhere, yes. 09:52:48

5 Q Do you recall if your E-mail ever changed 09:52:50

6 from when you went from MCEA to MDEA? 09:52:54

7 A I believe my E-mail address at MDEA was 09:52:59

8 MWassinger@MDEA.com, I think. 09:53:04

9 Q And would it have been that all the way up 09:53:09

10 until you took your job as EVP of Sales at MEVSA? 09:53:11

11 A Correct. 09:53:21

12 Q And when you went to MEVSA, did it then 09:53:21

13 change to MWassinger@MEVSA.com? 09:53:24

14 A That is correct. 09:53:29

15 Q And would you have another E-mail address. 09:53:30

16 Would you have dual E-mail address at 09:53:31

17 Mitsubishi or was this your only business E-mail 09:53:34

18 address? 09:53:36

19 A That was the only E-mail address -- 09:53:39

20 business E-mail address. 09:53:40

21 Q And when you were at MCEA, do you know if 09:53:42

22 it was MWassinger@MCEA or was it 09:53:46

23 MWassinger@Mitsubishi, if you recall? 09:53:49

24 A I don't recall. I'm sorry. 09:53:52

25 Q And from '95 to 2000, did you have a 09:53:54

Page 49

1 personal E-mail account? Yahoo, Gmail or -- 09:54:01

2 A Not that I remember. I don't recall a 09:54:05

3 personal E-mail address at that time. 09:54:07

4 Q At that time. 09:54:09

5 When do you recall getting your -- a 09:54:10

6 personal E-mail account? 09:54:13

7 A Maybe mid 2000's, 2006, 2007, that time 09:54:23

8 period, I am thinking. I am not sure. 09:54:27

9 Q So your recollection is the first time you 09:54:35

10 got an E-mail account would be around 2006, 2007, 09:54:37

11 that was outside of Mitsubishi. 09:54:42

12 A That's correct. 09:54:43

13 Q And is that a Gmail account? 09:54:44

14 A Gmail, yes. 09:54:47

15 Q Now, do you have any other personal E-mail 09:54:48

16 accounts? 09:54:50

17 A No. 09:54:50

18 Q Were you ever asked to look in your 09:54:54

19 personal E-mail account for any documents or E-mails 09:54:58

20 related to this litigation? 09:55:02

21 A No. 09:55:04

22 By the way, I do have other personal 09:55:07

23 addresses but they are Gmail, you know. 09:55:09

24 MaxJW@Gmail.com. 09:55:11

25 Q So you have several Gmail accounts? 09:55:16

Page 50				Page 52			
1	A	I have three Gmail -- three personal Gmail	09:55:19	1	when you became EVP of MEVSA to when you retired in	09:57:53	
2		accounts.	09:55:23	2	2014, is that correct?	09:57:59	
3	Q	And were any of those E-mail accounts ever	09:55:23	3	Would you have had any other E-mail	09:58:02	
4		searched or looked at for any E-mails related to	09:55:27	4	accounts in there?	09:58:03	
5		this litigation?	09:55:32	5	MR. FUENTES: Object; form	09:58:04	
6	A	No.	09:55:33	6	THE WITNESS: No	09:58:05	
7	Q	Do you ever use your personal E-mail	09:55:34	7	BY MR. SAVERI:	09:58:06	
8		accounts for business or communicating with business	09:55:37	8	Q So those would have been it?	09:58:06	
9		executives?	09:55:44	9	A Those are just the business, that is,	09:58:08	
10	A	No, just personal. Just to for	09:55:48	10	anything relating to business	09:58:10	
11		edification, I do use it. I do some consulting from	09:55:58	11	Yes, I had a personal E-mail account, as I	09:58:11	
12		time to time. So I did use it in a consulting	09:56:03	12	told you, like 2005, 2006. I started with Gmail	09:58:13	
13		environment but this is way past the time period	09:56:05	13	account but that was used just for personal, not for	09:58:18	
14		that I -- this is after I left Mitsubishi Electric.	09:56:07	14	business.	09:58:20	
15	Q	That is fair enough. I was just trying to	09:56:11	15	Q Fair enough.	09:58:20	
16		get in to see what E-mails you have and what you use	09:56:13	16	So from when you were Western Regional VP.	09:58:51	
17		for that.	09:56:16	17	from 1995 at MCEA to 2000, did MCEA sell CRT	09:58:55	
18		And, you know, nowadays everybody has 20	09:56:16	18	televisions?	09:59:08	
19		different E-mails in all different types of things.	09:56:21	19	A Yes.	09:59:15	
20		but as far as your recollection, you had your	09:56:23	20	Q So just so I'm clear, and MCEA, Mitsubishi	09:59:21	
21		Mitsubishi business E-mail account that we went	09:56:25	21	Consumer Electronics America, correct?	09:59:24	
22		over, the one at MCEA, the MDEA that you had from	09:56:29	22	A Correct	09:59:28	
23		2000 to when you began as EVP at MEVSA and then you	09:56:33	23	Q Did any other Mitsubishi entity at this	09:59:29	
24		had one at MEVSA, is that correct?	09:56:39	24	time from '95 to 2000 sell CRT televisions in the	09:59:32	
25	A	That's correct.	09:56:42	25	United States?	09:59:37	
Page 51				Page 53			
1	Q	But somewhere in 2005, '6 or '7, somewhere	09:56:43	1	A Not that I am aware of.	09:59:39	
2		in the mid 2000's, you began using a Gmail account	09:56:47	2	Q And did MCEA manufacture CRT televisions?	09:59:40	
3		or having a Gmail account for personal?	09:56:50	3	A Yes.	10:00:05	
4	A	That is correct.	09:56:54	4	Q And where did it manufacture televisions?	10:00:06	
5	Q	And you don't recall ever using that Gmail	09:56:54	5	A I believe in Mexicali, Mexico, at the	10:00:10	
6		account to communicate with other individuals	09:56:58	6	factory in Mexicali, Mexico.	10:00:17	
7		regarding any business activity.	09:57:01	7	Q And that would have been from -- we will	10:00:28	
8	A	Never.	09:57:04	8	start -- so when you were Western Region VP for MCEA	10:00:31	
9		MR. FUENTES: Object to the form.	09:57:05	9	in 1995, MCEA sold CRT televisions in the U.S.; is	10:00:37	
10	BY MR. SAVERI:		09:57:06	10	that correct?	10:00:42	
11	Q	But you don't recall --	09:57:06	11	A To the best of my recollection, yes.	10:00:45	
12	A	I don't recall ever doing that.	09:57:07	12	Q Now, the same question for 1996, did they	10:00:47	
13	Q	If it was business, you would have used	09:57:09	13	sell -- MCEA sell CRT televisions in the U.S.?	10:00:50	
14		your Mitsubishi account.	09:57:10	14	A Yes, I believe so.	10:01:01	
15	A	That's correct.	09:57:13	15	Q Same question for 1997, did MCEA sell CRT	10:01:07	
16	Q	During this period of time -- when I say	09:57:14	16	televisions in the U.S.?	10:01:10	
17		"this period of time," the '95 to the -- when you	09:57:17	17	A Yes, I believe so.	10:01:12	
18		left in '13.	09:57:23	18	Q Now, in 1998, did MCEA sell CRT	10:01:14	
19		MR. FUENTES: Object to the form.	09:57:27	19	televisions in the U.S.?	10:01:18	
20		THE WITNESS: Rephrase that question.	09:57:28	20	A To the best of my recollection, that is	10:01:27	
21	BY MR. SAVERI:		09:57:29	21	when we exited the business. In that time period,	10:01:28	
22	Q	Sure, sure.	09:57:29	22	started the exit of the CRT television business. We	10:01:30	
23		And in other words, when you left -- when	09:57:30	23	quit the business.	10:01:33	
24		you -- you would have used your Mitsubishi E-mail	09:57:42	24	Q So from at least from '95 to 1998, MCEA	10:01:35	
25		account from when it was with MCEA to MDEA to then	09:57:47	25	sold CRT televisions in the U.S., correct?	10:01:43	

14 (Pages 50 - 53)

Page 54			
1	A	To the best of my recollection.	10:01:46
2	Q	And after '98 -- so in 1999 -- MCEA did	10:01:48
3		not sell CRT televisions in the U.S., is that	10:01:54
4		correct?	10:01:56
5	A	I believe we wound down the business. It	10:02:00
6		was not a profitable business. So we got out of the	10:02:02
7		CRT television business. I am not sure of the exact	10:02:06
8		date. Excuse me	10:02:11
9	Q	Right. But in this '98/'99 period, MCEA	10:02:13
10		stopped selling CRT televisions in the U.S.	10:02:16
11		Is that --	10:02:22
12	A	I don't recall the exact date or dates,	10:02:22
13		but it was towards that time period that I believe	10:02:25
14		we got out of the business.	10:02:30
15	Q	And when you refer to CRT televisions,	10:02:32
16		this is different than rear projection televisions	10:02:37
17		Is that your understanding?	10:02:41
18	A	Yes.	10:02:42
19	Q	But Mitsubishi or MCEA was still selling	10:02:42
20		rear projection TV's?	10:02:44
21	A	Absolutely. That's where we put all of	10:02:47
22		our resources because of high definition TV was	10:02:50
23		starting to come into its -- you know, into its own	10:02:53
24		and that was an opportunity. There was no	10:02:56
25		opportunity in CRT	10:02:58

Page 55			
1	MR. SAVERI:	Move to strike everything	10:03:01
2		after "yes."	10:03:02
3	MR. FUENTES:	Objection to that.	10:03:04
4	BY MR. SAVERI:		10:03:05
5	Q	And in 1995, do you recall what size CRT	10:03:14
6		televisions MCEA sold?	10:03:19
7	A	Boy, 40-inch, 35-inch, 36-inch, 32-inch,	10:03:28
8		27-inch. That's all that I recall.	10:03:44
9	Q	Did it sell a 20-inch?	10:03:51
10	A	Possibly.	10:03:55
11	Q	Did it sell a 13-inch television, CRT	10:03:55
12		television?	10:03:58
13	A	I am not sure what year we stopped making	10:03:59
14		13-inch. Again, not profitable.	10:04:01
15	Q	And a 31-inch, do you recall?	10:04:04
16	A	Possibly.	10:04:06
17	Q	And it's your understanding that all of	10:04:07
18		these televisions came from Mexicali, Mexico?	10:04:11
19	A	That factory in Mexicali, I believe,	10:04:19
20		opened in either 1996 or 1997.	10:04:21
21	Q	And before that, where would the	10:04:29
22		televisions have come from?	10:04:31
23	A	I have no idea.	10:04:33
24	Q	You don't know if they came from Japan?	10:04:35
25	A	I don't know.	10:04:37

Page 56			
1	Q	But the facility in Mexicali, that was	10:04:38
2		MCEA -- that was a division or subsidiary of MCEA?	10:04:44
3	A	I don't recall.	10:04:50
4	Q	But you're not aware of any other place	10:04:52
5		besides Mexicali that MCEA from this '95 to '98/'99	10:04:54
6		period manufactured CRT televisions?	10:05:01
7	A	No, I don't know. I don't recall.	10:05:06
8	Q	So from this '95 to '98/'99 period when	10:05:48
9		MCEA sold CRT televisions in the U.S. to dealers and	10:05:53
10		retailers and customers, you're not aware of any	10:06:03
11		other Mitsubishi entity selling CRT televisions to	10:06:05
12		those customers.	10:06:10
13	A	No.	10:06:11
14	Q	Or to any customers in the U.S.	10:06:12
15	A	That is correct.	10:06:15
16	Q	So from this period of time, if a	10:06:16
17		Mitsubishi CRT television was purchased from any	10:06:20
18		Mitsubishi entity in from '95 to 2000, that would	10:06:27
19		have been MCEA.	10:06:31
20	A	To the best of my recollection, yes.	10:06:34
21	Q	In 1995 when you were Western Regional VP.,	10:06:59
22		who were your top customers, if you recall?	10:07:02
23	A	At that time, they would have been	10:07:10
24		regional accounts, people like Conn's, P.C. Richard,	10:07:14
25		Paul's TV in Los Angeles, hhgregg, those type of	10:07:27

Page 57			
1		accounts. These are regional accounts	10:07:42
2	Q	And just so I'm clear, when you said your	10:07:46
3		top accounts, these would be your top accounts for	10:07:49
4		CRT televisions from the '95 to -- in 1995.	10:07:51
5	A	Yes.	10:07:59
6	Q	And if I ask you the same question for who	10:08:03
7		were your top accounts in 1996, would you give the	10:08:05
8		same answer?	10:08:08
9	A	Yes.	10:08:09
10	Q	Was Walmart a customer of yours?	10:08:09
11	A	No.	10:08:12
12	Q	You didn't -- MCEA did not sell to	10:08:13
13		Walmart?	10:08:16
14	A	Absolutely not.	10:08:17
15	Q	Did MCEA sell to Circuit City from this	10:08:19
16		'95 to 1999 period?	10:08:27
17	A	I am not sure when we stopped doing	10:08:31
18		business with Circuit City. We used to sell Circuit	10:08:34
19		City in the 80's and early 90's, but I'm not sure	10:08:36
20		when we stopped selling Circuit City -- or excuse	10:08:41
21		me -- when they quit carrying Mitsubishi. It's a	10:08:44
22		different -- they stopped carrying Mitsubishi	10:08:47
23		televisions.	10:08:50
24	Q	And from 1995 to this 1998/'99, did MCEA	10:08:51
25		sell to Best Buy, CRT televisions?	10:08:58

15 (Pages 54 - 57)

Page 58				Page 60			
1	A	No, not that I recall.	10:09:04	1	BY MR. SAVERI:		10:11:30
2	Q	Did you from 1995 to this '99 -- '98/'99	10:09:11	2	Q	I am just asking for your best	10:11:31
3		period, did you sell to the Good Guys?	10:09:18	3		recollection sitting here today looking back over	10:11:33
4	A	Yes.	10:09:21	4		your history here at Mitsubishi.	10:11:35
5	Q	CRT televisions?	10:09:22	5	A	Are you talking about Mitsubishi sales?	10:11:38
6	A	Excuse me.	10:09:23	6	Q	No, sales of when you were -- for MCEA, if	10:11:40
7		Yes, we did sell to Good Guys. That's one	10:09:23	7		you recall, for sales in 1995 of CRT televisions.	10:11:43
8		I forgot to tell you.	10:09:26	8	MR. FUENTES:	Same objection.	10:11:49
9	Q	And would that have been a large account?	10:09:27	9	THE WITNESS:	I don't recall. I don't	10:11:50
10	A	Yes.	10:09:29	10		remember the number.	10:11:52
11	Q	Did you sell to Tweeter?	10:09:30	11	BY MR. SAVERI:		10:11:53
12	A	Yes.	10:09:32	12	Q	Do you recall what your western region	10:11:54
13	Q	During that same period of time?	10:09:33	13		sales numbers was in 1995, your best recollection?	10:11:55
14	A	That's correct.	10:09:35	14	MR. FUENTES:	Same objection.	10:11:59
15	Q	CRT televisions. All of these	10:09:36	15	THE WITNESS:	I'm sorry. I don't recall	10:12:01
16		questions -- pardon me.	10:09:39	16		I can't give you a number that I would feel	10:12:02
17		All of these questions at that time when I	10:09:40	17		comfortable giving you.	10:12:07
18		am saying "sell to" are referring to CRT	10:09:42	18	BY MR. SAVERI:		10:12:08
19		televisions.	10:09:45	19	Q	Would it have been over \$500 million?	10:12:09
20		Is that what you understood?	10:09:46	20	MR. FUENTES:	Same objection.	10:12:12
21	A	Yes.	10:09:47	21	THE WITNESS:	I don't think so, no.	10:12:15
22	Q	Did you sell to Sun Television during this	10:09:49	22	BY MR. SAVERI:		10:12:16
23		period of time from '95 to 1998/'99 CRT televisions?	10:09:52	23	Q	Would it have been over \$250 million?	10:12:17
24	A	Yes, I believe we did.	10:10:02	24	A	Again, I am just -- this is strictly --	10:12:20
25	Q	Did you sell CRT televisions during this	10:10:03	25		you know, you are pushing me for a number and I	10:12:22

Page 59				Page 61			
1		period of time to Malloy Enterprises?	10:10:05	1		don't feel comfortable giving you a number because I	10:12:26
2	A	Yes.	10:10:10	2		don't know the number, not even the range of the	10:12:29
3	Q	And I believe you mentioned Gregg	10:10:11	3		number.	10:12:31
4		Appliances.	10:10:12	4	Q	I just want to get your best recollection	10:12:31
5	A	Hhgregg.	10:10:13	5		because we are just trying to figure out what the	10:12:33
6	Q	Hhgregg.	10:10:15	6		sales numbers were. And you were the Western Region	10:12:35
7		And all of those would have been	10:10:16	7		Vice President. And so I'm just trying to see if	10:12:37
8		significant accounts?	10:10:17	8		you recall what -- for that year, you indicated that	10:12:39
9	MR. FUENTES:	Objection; form.	10:10:20	9		your compensation was based on meeting certain sales	10:12:42
10	THE WITNESS:	Yes, good accounts.	10:10:22	10		goals and you have indicated that some years you	10:12:45
11	BY MR. SAVERI:		10:10:24	11		didn't hit them and some years you did hit them. So	10:12:48
12	Q	When you were -- do you recall -- strike	10:10:38	12		if you are not getting paid, sometimes the number of	10:12:52
13		that.	10:10:46	13		what the sales are stick in your head. So I am just	10:12:54
14		When you were Western Regional VP in 1995,	10:10:52	14		trying to narrow down that.	10:12:58
15		do you recall in units or dollars the total sales of	10:10:58	15		So that was a little bit of a recap and a	10:13:00
16		CRT televisions in the U.S. in 1995?	10:11:04	16		speech there, but my question is do you have a best	10:13:03
17	A	I do not.	10:11:10	17		recollection for 1995 what the total sales of CRT	10:13:06
18	Q	What is your best understanding? What is	10:11:12	18		televisions were.	10:13:12
19		your best recollection of what the total units or	10:11:15	19	A	I do not.	10:13:13
20		dollars would have been in 1995?	10:11:19	20	MR. FUENTES:	Objection; form.	10:13:14
21	A	I'm sorry. I just don't remember.	10:11:23	21		argumentative, calls for speculation, asked and	10:13:15
22	Q	Would it have been over \$500 million?	10:11:24	22		answered	10:13:21
23	MR. FUENTES:	Objection; calls for	10:11:29	23	BY MR. SAVERI:		10:13:21
24		speculation.	10:11:29	24	Q	Go ahead	10:13:21
25				25	A	I can't recall	10:13:23

16 (Pages 58 - 61)

Page 62

1 Q And what about for 1996, would you give me 10:13:25
2 the same answer? 10:13:31
3 MR. FUENTES: Objection. 10:13:32
4 Rick, could I have maybe a standing 10:13:33
5 objection? 10:13:35
6 MR. SAVERI: You can have the standing 10:13:35
7 objections. 10:13:37
8 MR. FUENTES: That way, I don't interrupt 10:13:37
9 you. 10:13:39
10 MR. SAVERI: I am just asking if he 10:13:39
11 recalls. 10:13:40
12 BY MR. SAVERI: 10:13:42
13 Q Mr. Wasinger, do you recall when you were 10:13:42
14 Western Regional VP what MCEA CRT television sales 10:13:43
15 in units or dollars were in 1996? 10:13:48
16 MR. FUENTES: And are you okay with my 10:13:50
17 having a standing objection? 10:13:52
18 MR. SAVERI: I am okay with that. 10:13:54
19 MR. FUENTES: I am not trying to use your 10:13:55
20 time. 10:13:56
21 MR. SAVERI: I understand, I understand. 10:13:57
22 THE WITNESS: I don't recall. 10:13:58
23 BY MR. SAVERI: 10:13:59
24 Q And you don't recall if it was over 10:14:02
25 \$200 million? 10:14:05

Page 63

1 A I am sorry. I just don't recall the 10:14:09
2 number. 10:14:12
3 Q And do you recall for 1997 what the CRT 10:14:13
4 sales would have been for MCEA in the U.S. when you 10:14:19
5 were Western Regional VP? 10:14:23
6 A I am sorry. I don't. I don't recall. 10:14:25
7 Q You don't recall whether it was over a 10:14:28
8 hundred million dollars? 10:14:30
9 A I am sorry. I don't recall. And the 10:14:36
10 reason I don't recall is because this was a very -- 10:14:38
11 very challenging time period as we were moving away 10:14:41
12 from CRT to projection TV. All the emphasis, all 10:14:45
13 the resources, all the push was for projection TV 10:14:50
14 because we saw the coming of high definition TV and 10:14:57
15 projection TV was perfect for high definition TV 10:15:01
16 CRT business was commoditizing. 10:15:06
17 Mitsubishi Electric, when businesses commoditize, 10:15:08
18 they run away. They're just not good at fighting in 10:15:11
19 a commodity business. 10:15:14
20 That was my experience of Mitsubishi TV. 10:15:15
21 That's why this is kind of frustrating for me. It's 10:15:17
22 a dark, dark period in my life. 10:15:21
23 Q Thank you, but when you say 10:15:23
24 "commoditizing," are you saying that CRT 10:15:24
25 televisions -- that it's hard to differentiate 10:15:27

Page 64

1 between one brand and other brand. 10:15:29
2 Is that it? 10:15:31
3 A Yes, Mitsubishi is a -- was a kind of a 10:15:32
4 value-add brand. It was a brand that people aspired 10:15:38
5 to have to have to sell a great brand cache and that 10:15:41
6 doesn't mix well with commodity product. So we 10:15:46
7 moved away from commodity products. 10:15:49
8 I tried to push it as swiftly as possible. 10:15:51
9 no future for a commodity products for a company 10:15:54
10 like Mitsubishi. 10:15:59
11 Q When you refer to "commodity products," 10:16:00
12 are you referring to CRT televisions as a commodity 10:16:02
13 product? 10:16:05
14 A At that time, it was a commodity product 10:16:05
15 just like LED is today. 10:16:07
16 Q And in that time when you say in '95 to 10:16:09
17 when you got out of it in '98/'99 when you were at 10:16:13
18 MCEA. 10:16:17
19 A Correct. 10:16:18
20 Q Just to stay on this sales topic a little 10:16:38
21 bit, when you were at MC -- when you were Western 10:16:42
22 Regional -- strike that. 10:16:47
23 When you were Western Regional VP in 1995 10:16:47
24 at MCEA, did you keep track of sales in any way? 10:16:51
25 A I am sure that we did but I don't recall 10:17:00

Page 65

1 the numbers. I am sorry. 10:17:02
2 Q I'm not asking for the numbers. I am just 10:17:03
3 asking now for the method 10:17:05
4 Did you have monthly reports of sales? 10:17:07
5 A Yes. 10:17:10
6 Q And were those paper reports or 10:17:11
7 electronic? 10:17:14
8 A Paper reports, that I recall. 10:17:15
9 Q And did you have quarterly reports of 10:17:16
10 sales of CRT's during this period of time from '95 10:17:18
11 to '98? 10:17:21
12 A Yes. That is just the aggregate of the 10:17:24
13 three months prior. 10:17:26
14 Q But you did have a report. Is that it? 10:17:27
15 A Yes. 10:17:30
16 Q Is there a certain name for this report 10:17:30
17 that would come out on -- wait 10:17:32
18 Just so I make the record clear, we were 10:17:36
19 first talking about monthly reports for sales; is 10:17:38
20 that correct? 10:17:41
21 A Yes. 10:17:41
22 Q And is there a certain name for the 10:17:43
23 monthly report of sales of CRT's that would be 10:17:44
24 generated? 10:17:47
25 A Not that I remember. 10:17:49

Page 66			Page 68		
1	Q Just sales report.	10:17:50	1	reports have units and revenue and by account or top	10:20:08
2	A Yes.	10:17:52	2	accounts or by region? Or how were they?	10:20:15
3	Q And were you responsible for generating	10:17:52	3	A They were sorted by account and also	10:20:18
4	the monthly report for your -- when you were Western	10:17:57	4	sorted, you know, by region and then sorted in	10:20:21
5	Regional VP for your group?	10:18:00	5	aggregate	10:20:28
6	A No, I had a business manager that	10:18:04	6	Q And you did do a -- and Mike Stapleton did	10:20:28
7	assisted.	10:18:06	7	prepare an annual report, if you recall?	10:20:33
8	Q And who was that business manager in 1995,	10:18:07	8	A I don't recall specifically that there was	10:20:40
9	if you recall?	10:18:09	9	an annual report. It was ongoing month after month	10:20:41
10	A I believe it was Mike Stapleton.	10:18:10	10	after month. And then, of course, at the end of the	10:20:44
11	Q And so Mr. Stapleton's job was to prepare	10:18:13	11	year, you would see how you did for the year, but no	10:20:46
12	the monthly sales report for you and your team?	10:18:17	12	specific annual report, per se, that I think ever.	10:20:50
13	A Yes.	10:18:21	13	Q And you said you got these in hard paper.	10:20:52
14	Q And would you have -- and would	10:18:22	14	You didn't get them electronically?	10:20:55
15	Mr. Stapleton then also prepare a quarterly report	10:18:26	15	A I believe at that time, it was hard paper.	10:20:57
16	for you and your team?	10:18:30	16	Q And you would store them in your office;	10:21:02
17	A Yes.	10:18:33	17	is that correct?	10:21:04
18	Q And is there a certain name or refer to	10:18:34	18	A To the best of my recollection.	10:21:05
19	that report, if you recall?	10:18:37	19	Q And would everybody on your sales team get	10:21:06
20	A Just I don't recall a specific name.	10:18:39	20	a copy?	10:21:08
21	Q And would you prepare an annual report of	10:18:41	21	A No.	10:21:09
22	your sales and your -- for CRT televisions in this	10:18:44	22	Q Who would get a copy of the sales reports?	10:21:09
23	'95 to '98 period?	10:18:48	23	A Just myself and the president.	10:21:13
24	MR. FUENTES: Objection, form	10:18:51	24	Mr. Osborne, at that time and Mike Stapleton as the	10:21:17
25	THE WITNESS: Well, yes, it would just be	10:18:53	25	business manager We had a pretty flat	10:21:24
Page 67			Page 69		
1	the aggregate of each other and each quarter.	10:18:54	1	organization, pretty small organization. So it was	10:21:26
2	BY MR. SAVERI.	10:18:57	2	pretty confined.	10:21:28
3	Q But was there a certain name to it or was	10:18:58	3	Q And were you all located in the same	10:21:29
4	there an annual report?	10:19:00	4	building or headquarters?	10:21:31
5	A Once again, I don't recall the specific	10:19:01	5	A Yes, yes.	10:21:34
6	name, just sales report.	10:19:04	6	Q And did you ever send -- do you know if	10:21:44
7	Q And when you received these reports, where	10:19:06	7	any of these sales reports ever went out to storage?	10:21:47
8	did you keep them?	10:19:10	8	A Not that I recall.	10:21:53
9	A Well, I would keep them in my office and	10:19:13	9	Q Do you recall at this period of time	10:21:54
10	then just destroy them periodically because I had no	10:19:15	10	whether MCEA used an off-site storage facility?	10:21:56
11	need to keep carrying them over year after year and	10:19:18	11	A I don't remember.	10:22:01
12	building a huge file of reports. So I just would	10:19:21	12	Q Did you have periodic meetings with your	10:22:11
13	keep them for a time period and then destroy them	10:19:25	13	sales staff from this 1995 to 1998 period regarding	10:22:13
14	Q And was it Mr. Stapleton, was he the one	10:19:27	14	CRT televisions?	10:22:18
15	who prepared the reports during this entire period	10:19:37	15	A Not that I recall. No specific meetings	10:22:22
16	of time these sales --	10:19:40	16	about CRT televisions, no.	10:22:24
17	A From '95 -- from 1995 to 1999 or 2000?	10:19:41	17	Q But did you have weekly sales meetings?	10:22:25
18	Q Yeah.	10:19:45	18	A No.	10:22:30
19	A Yes, Mike Stapleton, I believe, is the	10:19:46	19	Q Did you have quarterly sales meetings with	10:22:32
20	person who I think so, yes	10:19:49	20	your staff from this 1995 to '98 period?	10:22:34
21	Q And would he do an analysis of these -- of	10:19:51	21	A Yes, yes, we would have periodic meetings.	10:22:41
22	the sales in his reports to you?	10:19:54	22	They weren't maybe every quarter but we had an	10:22:44
23	A Just sales against quota, sales against	10:20:00	23	annual sales meeting. And then we, of course,	10:22:47
24	our goal and how we performed.	10:20:03	24	communicated every day about business.	10:22:50
25	Q And would this -- would these sales	10:20:06	25	Q So you recall that there was an annual	10:22:55

18 (Pages 66 - 69)

Page 70			Page 72		
1	sales meeting but then you would have periodic sales	10:22:58	1	show in Japan. It's in September, I believe,	10:25:33
2	meetings as needed.	10:23:01	2	generally.	10:25:34
3	Is that it?	10:23:02	3	Q Is that in Tokyo?	10:25:35
4	A Correct.	10:23:03	4	A Or October, yes.	10:25:37
5	Q And the annual sales meeting, was there a	10:23:03	5	Q So you would -- you would attend meetings	10:25:42
6	certain day or month that that was held?	10:23:06	6	in Japan just generally once a year around this	10:25:44
7	A Generally -- generally in the first	10:23:14	7	trade association J-Tech in Tokyo?	10:25:48
8	quarter of the year.	10:23:20	8	A Correct.	10:25:51
9	Q So in the January, February, March period	10:23:22	9	Q And what was the purpose of the annual	10:25:51
10	of time?	10:23:25	10	meeting in Japan?	10:25:53
11	A Correct.	10:23:26	11	A Well, as Western Regional Sales, I did	10:25:55
12	Q And was there an agenda prepared for that	10:23:26	12	not -- this is later on. This is when I became VP	10:25:58
13	meeting?	10:23:30	13	of Sales. So I need to get the timing correct here.	10:26:01
14	A Yes, the meeting was primary to introduce	10:23:30	14	This is the time period you are talking	10:26:04
15	the new product line that would be forthcoming or to	10:23:41	15	about, when I was Western Regional, I did not go to	10:26:07
16	discuss what products we would be introducing or had	10:23:44	16	Japan. This is after I became VP of Sales, I	10:26:09
17	planned to introduce.	10:23:50	17	started going to Japan.	10:26:12
18	Q Did you go over any of the previous sales	10:23:50	18	Q So fair enough.	10:26:13
19	or sales targets in that meeting?	10:23:55	19	So once you became VP of Sales in 2000,	10:26:14
20	A I don't recall doing that.	10:24:00	20	then you started attending meetings in Japan.	10:26:16
21	Q Did you prepare the agenda?	10:24:04	21	A Yeah, J-Tech.	10:26:20
22	A I had input in it. I participated in the	10:24:08	22	Q J-Tech. And you only recall going once a	10:26:21
23	preparation of it.	10:24:12	23	year?	10:26:24
24	Q And did you keep copies of those agendas?	10:24:13	24	A Generally. If I went twice a year, it was	10:26:25
25	A I did not.	10:24:16	25	unusual. To the best of my recollection, just once	10:26:27
Page 71			Page 73		
1	Q Would you take notes of those meetings?	10:24:17	1	a year, around that.	10:26:29
2	A I don't recall. This is 1995, you are	10:24:22	2	Q Fair enough.	10:26:34
3	talking about.	10:24:25	3	And that continued on until you left	10:26:34
4	Q 1995 to 1998, yes. I realize that.	10:24:26	4	MEVSA. I believe it was.	10:26:39
5	So you don't recall taking notes?	10:24:29	5	A That's correct.	10:26:40
6	A That's correct.	10:24:32	6	Q And when you had these meetings, the	10:26:41
7	Q Did you -- would you -- would the	10:24:33	7	annual meetings in '95 to this '99 period, did	10:26:53
8	president attend this meeting?	10:24:36	8	somebody keep a written report of the meeting?	10:26:58
9	A Yes.	10:24:38	9	A Not that I recall. I don't remember. I	10:27:03
10	Q Would anybody from Japan attend this	10:24:39	10	mean people took individual notes. I am sure, but I	10:27:08
11	annual meeting?	10:24:42	11	don't recall anyone taking minutes, per se, or any	10:27:11
12	A Sometimes they would attend. Primarily,	10:24:44	12	notes.	10:27:13
13	engineering. Remember, we are talking about the new	10:24:46	13	Q Did anybody keep formal notes of the	10:27:14
14	product introduction.	10:24:49	14	meeting and then circulate them to the group or	10:27:16
15	Q But you would never have marketing and	10:24:50	15	something like that?	10:27:18
16	salespeople from MELCO attend these meetings?	10:24:56	16	A Not that I remember.	10:27:19
17	A Not that I recall.	10:25:00	17	Q But individuals would keep their own	10:27:20
18	Q During this period of time, did you ever	10:25:00	18	personal notes or take them if they wanted?	10:27:23
19	attend marketing and sales meetings in Japan?	10:25:02	19	A Yes.	10:27:28
20	A I would go to Japan annually at least once	10:25:11	20	MR. SAVERI. We have been going about an	10:27:37
21	a year. And it was about right around the Japanese	10:25:15	21	hour and a half. You want to take five, ten and	10:27:39
22	consumer electronics show.	10:25:20	22	then --	10:27:41
23	Q And what is the name of the Japanese	10:25:21	23	MR. FUENTES. Fine by us.	10:27:43
24	consumer electronics show?	10:25:23	24	BY MR. SAVERI.	10:27:44
25	A J-Tec or JCES, just a consumer electronics	10:25:28	25	Q Is that okay, Mr. Wasinger?	10:27:45

19 (Pages 70 - 73)

Page 74			Page 76		
1	A Yes.	10:27:46	1	the system and somehow the televisions would get	10:49:18
2	Q Why don't we take a restroom break and	10:27:47	2	delivered to Tweeter, is that correct?	10:49:21
3	come back in ten minutes.	10:27:50	3	A That's correct.	10:49:23
4	A Perfect.	10:27:55	4	Q And you don't know whether your people --	10:49:23
5	Q Thank you.	10:27:55	5	when I say "your people," MCEA -- delivered the	10:49:25
6	THE VIDEOGRAPHER: Off the record at	10:27:56	6	televisions or whether it came from a factory or	10:49:30
7	10:27 a.m.	10:27:57	7	some other Mitsubishi entity.	10:49:32
8	(Off the record.)	10:28:00	8	A I don't know where they came from. I just	10:49:34
9	THE VIDEOGRAPHER: Back on the record at	10:47:03	9	know they were -- they were shipped. And then, of	10:49:36
10	10:47 a.m.	10:47:04	10	course, we billed them and then we got paid for the	10:49:38
11	BY MR. SAVERI:	10:47:06	11	product.	10:49:42
12	Q Mr. Wasinger, I just want to ask a few	10:47:11	12	Q But you would bill them and the money from	10:49:42
13	more questions in the area that we were talking	10:47:13	13	for this example, this Tweeter account, would go to	10:49:44
14	about before we took a break there.	10:47:15	14	MCEA, your group.	10:49:47
15	We had a discussion about CRT televisions	10:47:21	15	A That's my understanding from what I	10:49:50
16	I believe being made in Mexicali during this period	10:47:27	16	recall.	10:49:53
17	of time from this '95 to 1998 period.	10:47:30	17	Q And I apologize, but do you know if MCEA,	10:49:53
18	Do you recall that?	10:47:34	18	if Norcross -- did you inventory or -- excuse me --	10:49:56
19	A Yes, but I think the dates might be a	10:47:35	19	inventory, warehouse, CRT televisions there,	10:50:00
20	little bit off only because I don't think that	10:47:38	20	product?	10:50:05
21	factory was completed in '95. I think it was built	10:47:40	21	A I don't recall. We may have had a small	10:50:11
22	after that time period. So the factory did not come	10:47:42	22	warehouse but I think that was for maybe parts, but	10:50:12
23	up and running until maybe '96 or -- '96, '97. I am	10:47:46	23	I don't recall. Sorry.	10:50:16
24	not sure.	10:47:51	24	Q You think that may be like replacement	10:50:18
25	Q Right.	10:47:52	25	parts or things?	10:50:21
Page 75			Page 77		
1	And before the Mexicali plant came online,	10:47:52	1	A Possibly, possibly.	10:50:22
2	so to speak, do you recall where CRT televisions	10:47:59	2	Q So is it -- if somebody -- if Tweeter had	10:50:29
3	were made for MCEA?	10:48:03	3	to return a broken product, where would they return	10:50:33
4	A I do not.	10:48:05	4	it? To MCEA, to you?	10:50:36
5	Q Do you recall whether they made them or	10:48:06	5	A Yes, that's my -- my recollection.	10:50:39
6	whether they got them from another Mitsubishi	10:48:07	6	Q So just so I'm clear, so your	10:50:43
7	entity?	10:48:11	7	understanding is that you guys would take the order	10:50:45
8	A I don't remember.	10:48:13	8	with the accounts but the actual televisions, you	10:50:49
9	Q And just to help out on a little bit of	10:48:15	9	don't really recall where they would come from or	10:50:53
10	the mechanics, so to speak. So if you -- I think	10:48:19	10	what Mitsubishi entity would deliver them to the	10:50:56
11	you indicated that you -- Tweeter was an account of	10:48:21	11	account.	10:50:59
12	yours, is that correct?	10:48:25	12	A That is correct.	10:51:02
13	A That is correct.	10:48:26	13	Q We also -- before the break, we also had a	10:51:17
14	Q And so if you were selling CRT televisions	10:48:27	14	little discussion about these sales reports. There	10:51:19
15	to Tweeter and they made an order, did you, MCEA,	10:48:31	15	was -- we talked about the monthly report and	10:51:24
16	deliver the TV's or did they come from the factory?	10:48:39	16	quarterly and that there was an annual report.	10:51:25
17	A I don't remember whether we had -- whether	10:48:49	17	And I believe we also had a discussion	10:51:28
18	we delivered them directly or whether the factory	10:48:51	18	there was a annual sales meeting, isn't that	10:51:30
19	delivered this. I sorry. I don't recall where they	10:48:54	19	correct?	10:51:33
20	came from. I just know the orders were put into the	10:48:56	20	A Yes.	10:51:33
21	system and then the orders were shipped.	10:48:59	21	Q And so this '95 to '98/'99 period of time	10:51:34
22	Q So but your people, whether it would be	10:49:01	22	when you were Western Regional VP?	10:51:39
23	you or your sales staff, in this '95 to '98, they	10:49:02	23	A That is correct.	10:51:43
24	would go talk with Tweeter and Tweeter would order	10:49:05	24	Q And you may have stated it, but who was	10:51:43
25	some CRT televisions and your staff would put it in	10:49:09	25	the Eastern Regional VP at this time from '95 to	10:51:46

20 (Pages 74 - 77)

Page 78		Page 80	
1	'98? 10:51:50	1	Q Besides this annual -- these sales 10:53:52
2	A It may have been '96 to '98, but in that 10:51:51	2	reports, did you prepare any other reports on sales 10:53:54
3	time period, it was Howard Borsa 10:51:53	3	during this '95 to 1999 period? 10:54:01
4	Q Howard Borsa. That's right. 10:51:56	4	A Not that I recall. 10:54:06
5	And before Howard, do you recall who it 10:52:00	5	Q Do you recall receiving any other types of 10:54:07
6	was? 10:52:02	6	reports during this '95 to '99 period? 10:54:11
7	A Well, the Vice President of Sales was a 10:52:04	7	A No, I don't recall receiving any other 10:54:16
8	guy by the name of Jim Bennison 10:52:10	8	reports other than sales reports. 10:54:18
9	Q For the eastern or both regions? 10:52:14	9	Q Do you recall receiving any financial 10:54:20
10	A For both 10:52:16	10	reports, profit and loss income statements, cash 10:54:22
11	Q And then they split in '95, roughly? 10:52:17	11	flow statements, any of those types of reports? 10:54:26
12	A Yeah, that time period when the new guy 10:52:20	12	A I don't recall. I don't remember. I was 10:54:29
13	came in. 10:52:22	13	specifically focused on sales. 10:54:30
14	Q So it was then you and Howard. You had 10:52:23	14	Q You were a sales and a revenue guy trying 10:54:32
15	the west and Howard had the east? 10:52:26	15	to sell product. 10:54:36
16	A That is correct. 10:52:28	16	A Top line. 10:54:37
17	Q Up until about 2000. Is that it? 10:52:28	17	Q Top line. Got it. 10:54:38
18	A '99, I think, probably is more appropriate 10:52:31	18	Do you ever recall during this '95 to '99 10:54:40
19	guessing. Again, I don't recall the specific dates. 10:52:38	19	period being audited by any outside auditor like a 10:54:43
20	Q Your best recollection, '99? 10:52:40	20	KPMG or Price Waterhouse or any of those type of 10:54:48
21	A '99-ish. 10:52:42	21	people? 10:54:52
22	Q And do you recall whether the western 10:52:50	22	A I don't remember. I don't recall. 10:54:53
23	region had more sales than the eastern region or 10:52:52	23	Q In other words, would somebody else have 10:54:55
24	roughly -- I mean to the best of your recollection. 10:52:54	24	come in and looked at all the sales records for the 10:54:56
25	We are trying to get a handle on sales there. There 10:52:56	25	financials? And maybe there is copies of things 10:54:59
Page 79		Page 81	
1	is no secret on that. We are trying to see how 10:53:00	1	there. So we are just trying to get a handle on it. 10:55:01
2	much -- how many of these units you sold. 10:53:03	2	A Not that I recall. 10:55:04
3	So the question is were the regions about 10:53:04	3	Q You don't recall any outside auditors? 10:55:05
4	equal in unit or dollars or did you have a larger 10:53:06	4	A No, no one. I spent most of my time 10:55:07
5	region? 10:53:09	5	outside. 10:55:10
6	MR. FUENTES: Object to form vague calls 10:53:10	6	Q Fair enough. 10:55:10
7	for speculation. 10:53:12	7	Do you remember receiving any financial 10:55:16
8	BY MR. SAVERI 10:53:13	8	statements, though, any cash flow, profit and loss 10:55:18
9	Q Do you understand my question? 10:53:13	9	income statements or anything like that? 10:55:21
10	A I understand your question but I don't 10:53:16	10	A I don't remember receiving any reports 10:55:23
11	have a specific answer for you. I would speculate, 10:53:18	11	like that. 10:55:24
12	I would guess, about the same. 10:53:22	12	Q Of MCEA during this period of time? 10:55:25
13	Q So your best recollection is that they're 10:53:25	13	A I don't remember. 10:55:29
14	about the same, sitting here today? 10:53:28	14	Q All right. Let's do -- so I'm going to 10:55:34
15	MR. FUENTES: Object to form, calls for 10:53:30	15	mark the next exhibit. 10:55:43
16	speculation, calls for guessing. 10:53:31	16	(Plaintiff's Exhibit 8300 was marked for 10:55:45
17	BY MR. SAVERI 10:53:34	17	identification by the court reporter and 10:55:45
18	Q No, your best recollection, your best 10:53:34	18	is attached hereto.) 10:55:45
19	understanding. 10:53:36	19	BY MR. SAVERI. 10:56:09
20	A My best guess? 10:53:37	20	Q Just for the record, so the court reporter 10:56:10
21	Q I don't want a guess. We're not here to 10:53:39	21	has now handed you what has been designated 10:56:13
22	guess. Your best understanding, your best 10:53:41	22	Exhibit 8300 and it bears the Bates numbers 10:56:18
23	recollection. 10:53:44	23	ME00148290 through ME00148308. 10:56:22
24	They're about the same? 10:53:45	24	Mr. Wasinger, would you, please, just take 10:56:37
25	A About the same. 10:53:46	25	a look at this. And then when you are done, I will 10:56:38

21 (Pages 78 - 81)

Page 82			Page 84		
1	ask you a few questions on it.	10:56:41	1	the life of the principal documents which	10:59:48
2	A Okay.	10:57:36	2	it supports."	10:59:50
3	Q Mr. Wasinger, have you seen this document	10:57:37	3	Do you see that?	10:59:51
4	before?	10:57:39	4	A Yes.	10:59:52
5	A I don't recall ever seeing this document.	10:57:40	5	Q And then it continues,	10:59:52
6	I don't remember	10:57:42	6	"... letters pertaining to intellectual	10:59:54
7	Q Do you ever recall receiving -- just for	10:57:43	7	property rights and licenses, bills of	10:59:57
8	the record, the document states at the top "Document	10:57:45	8	sale, contract, et cetera."	11:00:01
9	Retention Policy "	10:57:48	9	During this '95 to '99 period, did it ever	11:00:03
10	Do you ever recall seeing any document	10:57:53	10	come to your attention that bills of sale, you were	11:00:10
11	similar to this?	10:57:55	11	supposed to maintain permanently?	11:00:12
12	A I don't recall seeing.	10:57:56	12	A Not that I remember	11:00:15
13	Q And it says "Effective Date" -- you see	10:57:57	13	Q And that.	11:00:18
14	that at the top -- "02/01/93"?	10:58:01	14	"... letters of agreement and memos of	11:00:19
15	A Yes.	10:58:04	15	understanding or which otherwise are	11:00:21
16	Q And then it says "Revised 09/01/99."	10:58:05	16	important in explaining and interpreting	11:00:24
17	Do you see that?	10:58:08	17	contractual terms and conditions."	11:00:27
18	A Yes.	10:58:09	18	A Not that I remember	11:00:30
19	Q And at the top, it says "Mitsubishi	10:58:09	19	Q And then the next one there,	11:00:31
20	Electric and Electronics, USA, Inc."	10:58:10	20	"... letters denying liability of the	11:00:33
21	Do you see that at the top?	10:58:15	21	company, and other correspondence or memos	11:00:35
22	A Yes.	10:58:16	22	which the company might need to produce in	11:00:40
23	Q And to your understanding, would this have	10:58:17	23	litigation or arbitration to disprove	11:00:43
24	been the retention that would have governed for	10:58:23	24	liability or to enforce rights of the	11:00:46
25	MCEA, the company that you worked for?	10:58:25	25	company."	11:00:48
Page 83			Page 85		
1	MR. FUENTES: Objection; foundation.	10:58:28	1	Do you see that?	11:00:48
2	BY MR. SAVERI:	10:58:30	2	A Where is that at? I see it	11:00:49
3	Q It doesn't say "MCEA" on here. It says	10:58:34	3	Not that I recall.	11:00:56
4	"Mitsubishi Electric and Electronics USA, Inc."	10:58:36	4	Q Do you recall sending any documents off to	11:00:59
5	And during this '93 to '99 period where it	10:58:40	5	storage or for permanent -- bills of sale being sent	11:01:02
6	says it was revised, was that in existence?	10:58:43	6	off to be maintained?	11:01:06
7	A I don't --	10:58:48	7	A Not that I -- not that I recall, not that	11:01:09
8	MR. FUENTES: Object to form.	10:58:48	8	I remember.	11:01:12
9	THE WITNESS: I don't recall. I don't	10:58:49	9	Q And just turning to ME00148 -- 305 would	11:01:13
10	remember this document.	10:58:51	10	be the last one. It's almost toward the end there.	11:01:29
11	BY MR. SAVERI:	10:58:55	11	A Three of 5.	11:01:45
12	Q And you see in the first paragraph where	10:58:55	12	Q It's 7 of 14 -- I'm sorry -- 7 of 14, but	11:01:46
13	it says -- excuse me -- "Each department and	10:59:01	13	it's the ME number ending 305, Mr. Wasinger	11:01:48
14	division manager?"	10:59:08	14	MR. FUENTES: For the record, are you	11:01:55
15	A Yes.	10:59:11	15	referring to 7 of 14 from Exhibit B to the document?	11:01:57
16	Q Would you have been a department or	10:59:13	16	MR. SAVERI: Correct. I am sorry. This	11:02:00
17	division manager at this time?	10:59:14	17	document. Just so we're clear, there is a front	11:02:02
18	A I would have been a department manager at	10:59:20	18	page. Then it goes Exhibit A and then it goes	11:02:06
19	MCEA.	10:59:23	19	and -- that goes for 7 -- 8 of 7 is different	11:02:09
20	Q At MCEA.	10:59:24	20	pagination, but then it goes Exhibit B. 1 of 14	11:02:19
21	And turning over to -- it's Bates number	10:59:25	21	So what I am looking at is page 7 of 14 of	11:02:22
22	ending 292 which is two of seven here. We will move	10:59:34	22	page Exhibit B. And it's titled "Document Retention	11:02:25
23	through this quickly.	10:59:42	23	Schedule "	11:02:31
24	You see "D" where it says.	10:59:43	24	BY MR. SAVERI:	11:02:32
25	"To be retained permanently or for	10:59:46	25	Q Are you on the 305, sir?	11:02:32

22 (Pages 82 - 85)

Page 86				Page 88			
1	A	Seven of 14?	11:02:36	1	company?		11:05:14
2	Q	Seven of 14, right. On the right there,	11:02:37	2	A	No.	11:05:14
3		it says 148305.	11:02:39	3	Q	When did he retire?	11:05:15
4	A	That's correct.	11:02:44	4	A	He left the company in 1999, I believe	11:05:16
5	Q	And you see up in where it says "Sales	11:02:44	5	Q	Right at the end of this period?	11:05:18
6		Analysis," it says "P," which is permanent record.	11:02:48	6	A	That is correct.	11:05:20
7		"marketing/MIS."	11:02:54	7	Q	But you don't recall seeing any type of	11:05:28
8		Now, from this '95 to 2000 period, you	11:03:00	8		retention policy or working with anybody about	11:05:35
9		were in the Marketing Department, is that correct?	11:03:09	9		retaining documents --	11:05:39
10	A	In sales.	11:03:11	10	A	No.	11:05:41
11	Q	Marketing and sales?	11:03:11	11	Q	-- during this period of time?	11:05:41
12	A	Sales.	11:03:12	12	A	No, I do not. I don't recall.	11:05:42
13	Q	Just sales.	11:03:13	13	Q	You can put that other document aside.	11:06:19
14		Was marketing separate?	11:03:14	14		(Plaintiff's Exhibit 8301 was marked for	11:06:20
15	A	It was kind of -- it was one -- basically,	11:03:26	15		identification by the court reporter and	11:06:20
16		it was sales, but marketing kind of we worked in	11:03:27	16		is attached hereto.)	11:06:20
17		conjunction with each other.	11:03:32	17	BY MR. SAVERI		11:06:26
18	Q	And MIS, what is your understanding of	11:03:33	18	Q	Mr. Wasinger, the court reporter has now	11:06:20
19		MIS?	11:03:36	19		handed you what has been designated Exhibit 8301.	11:06:28
20	A	Management Information Systems. That	11:03:37	20		and it's a document which bears the Bates numbers	11:06:33
21		would be the computer team.	11:03:39	21		ME00148267 through ME00148289	11:06:41
22	Q	Computer team?	11:03:41	22		Why don't you review it and then when you	11:06:59
23	A	IT team.	11:03:42	23		are done, let me know and I just have a few	11:07:03
24	Q	But of the marketing/sales, you would have	11:03:44	24		questions on this.	11:07:07
25		been the department head at this time; is that	11:03:47	25	A	Okay.	11:07:54

Page 87				Page 89			
1		correct?	11:03:49	1	Q	So, Mr. Wasinger, have you ever seen	11:07:55
2	A	I don't recall. There was other marketing	11:04:01	2		Exhibit 8301 before?	11:07:57
3		people in there as well as me. I was focused on	11:04:02	3	A	I don't recall ever seeing this document	11:07:59
4		sales, as I mentioned. In that time period, we had	11:04:05	4		I don't recall it.	11:08:01
5		some changes and I don't recall who was running	11:04:07	5	Q	Do you ever recall seeing anything similar	11:08:03
6		marketing. It was very kind of fluid at that time.	11:04:09	6		to this? It's called "Records Retention Program."	11:08:05
7		So I was running pretty much focused on	11:04:14	7	A	Not that I remember.	11:08:10
8		sales, not so much marketing.	11:04:17	8	Q	And just so we're clear, anything like	11:08:12
9	Q	So during my time, you indicated marketing	11:04:19	9		this during the '95 to the 2000 period when you ever	11:08:16
10		and there was a few people there.	11:04:22	10		recall seeing anything like this?	11:08:22
11		Do you recall the people who were in	11:04:24	11	A	I don't remember.	11:08:24
12		marketing from this '95 to '99 period?	11:04:25	12	Q	And from 2000 on, do you ever recall	11:08:25
13	A	I think Mike Stapleton was involved -- was	11:04:29	13		seeing any record retention type documents?	11:08:28
14		involved with marketing, as well. And our	11:04:32	14	A	I don't remember.	11:08:35
15		president, Jack Osborne, was also involved in	11:04:40	15	Q	When you say you don't remember, you don't	11:08:39
16		marketing, as well.	11:04:44	16		recall seeing?	11:08:41
17	Q	Is Mike Stapleton still with the company?	11:04:45	17	A	I don't recall seeing that. They very	11:08:41
18	A	No.	11:04:48	18		well may have passed and I may very well have seen	11:08:43
19	Q	Do you know where he is?	11:04:50	19		them, but I don't recall seeing them	11:08:44
20	A	I believe he is in Atlanta, Georgia.	11:04:52	20	Q	You see at the top it says "Revised	11:08:47
21	Q	And when -- do you know when about when he	11:04:55	21		1/31/94"?	11:08:48
22		left the company?	11:04:59	22	A	Yes.	11:08:49
23	A	2009 or 2010, he retired, something like	11:05:06	23	Q	And the first line, it says,	11:08:50
24		that.	11:05:09	24		"The purpose of this exhibit is to	11:08:55
25	Q	And Jack Osborne, he is still with the	11:05:09	25		summarize those federal regulations on the	11:08:56

23 (Pages 86 - 89)

Page 90			Page 92		
1	records retention which appear to be most	11:08:59	1	A Well, not just throw it away. I would	11:11:46
2	relevant to the operations of the MEA	11:09:02	2	shred it or, you know, dispose of it	11:11:50
3	companies in the United States."	11:09:06	3	Q You would dispose of it at the beginning	11:11:55
4	Is MEA, Mitsubishi Electric America	11:09:08	4	of the next year.	11:11:57
5	companies?	11:09:13	5	Okay. You can put that aside.	11:12:00
6	A I believe so, yes.	11:09:13	6	A On these documents, you are asking me a	11:12:20
7	Q And would the MEA companies, would that be	11:09:14	7	question of I don't know when I disposed it. I	11:12:22
8	your -- the company that you worked for at this time	11:09:17	8	could have kept them a year or two and then disposed	11:12:25
9	that was MDEA?	11:09:20	9	of. I don't recall when I disposed of them. I	11:12:27
10	MR. FUENTES: Objection; foundation.	11:09:23	10	wouldn't just immediately get rid of them one month	11:12:31
11	THE WITNESS: Rephrase that question,	11:09:26	11	after the year was over. I would keep them to	11:12:34
12	please	11:09:26	12	compare	11:12:38
13	MR. SAVERI: Sure, sure	11:09:27	13	So I just didn't arbitrarily dispose of	11:12:39
14	BY MR. SAVERI:	11:09:27	14	them. I would keep them, but I don't remember what	11:12:41
15	Q I know when it says MEA companies, would	11:09:28	15	happened to them.	11:12:43
16	MDEA be one of those companies that this is	11:09:31	16	Remember, we moved locations. We changed,	11:12:44
17	referring to?	11:09:35	17	we moved, but I don't remember what happened	11:12:46
18	MR. FUENTES: Objection; foundation.	11:09:36	18	Q Well, when you moved locations, what	11:12:48
19	BY MR. SAVERI:	11:09:38	19	happened to any of your materials or reports?	11:12:50
20	Q To the best of your understanding.	11:09:39	20	Did you bring them with you?	11:12:52
21	A Yes.	11:09:48	21	A Some I would bring with me. Some, they	11:12:53
22	Q And just to I'm going to turn you to	11:09:55	22	just would be discarded, so.	11:12:57
23	ME148287, please. And you will see somewhere in the	11:10:06	23	Q And was that when you moved back to	11:12:59
24	middle it says "Sales Analysis," "P," which would be	11:10:13	24	California?	11:13:01
25	permanent retention. And it says "annual only,"	11:10:21	25	A Well, we moved -- remember, from we moved	11:13:01
Page 91			Page 93		
1	"Marketing/MIS," similar to the previous 8300	11:10:23	1	from California --	11:13:03
2	Do you see that, sir?	11:10:29	2	Q Right.	11:13:05
3	A Yes.	11:10:30	3	A -- to Norcross, Georgia. Then from	11:13:05
4	Q And this would then refresh your	11:10:30	4	Norcross, Georgia, back to California.	11:13:08
5	recollection of any annual sales analysis being	11:10:33	5	Q Correct.	11:13:10
6	retained by MCEA anywhere	11:10:38	6	And at this time, did you keep with you	11:13:11
7	MR. FUENTES: Objection; form, foundation.	11:10:42	7	any of your annual sales reports, or you probably	11:13:14
8	THE WITNESS: I don't recall. I -- my --	11:10:48	8	traveled lean at that time and got rid of most stuff	11:13:18
9	it says MIS there. So I assume that MIS would have	11:10:54	9	and moved on.	11:13:22
10	that information.	11:10:58	10	However, did you bring anything with you	11:13:22
11	BY MR. SAVERI:	11:10:59	11	regarding your sales during this '95, '99 period?	11:13:25
12	Q It also says "Marketing," but you don't	11:10:59	12	A Not that I remember. Sorry.	11:13:30
13	recall your -- you have testified that you had your	11:11:05	13	Q And do you recall when you moved, did you	11:13:31
14	annual sales reports that were prepared and you	11:11:09	14	send anything out to storage facilities? Did you	11:13:33
15	don't recall those reports being maintained at the	11:11:14	15	send anything into archive?	11:13:37
16	company	11:11:20	16	MR. FUENTES: Objection; compound	11:13:40
17	A Not that I remember.	11:11:22	17	MR. SAVERI: Well, I will rephrase.	11:13:42
18	Q But you didn't -- did you keep your annual	11:11:27	18	BY MR. SAVERI:	11:13:43
19	sales report at this time from '95 to '99?	11:11:30	19	Q Do you recall sending any sales reports	11:13:43
20	A I did not.	11:11:35	20	out to archives?	11:13:46
21	Q You would destroy it after beginning of	11:11:37	21	A Not that I recall.	11:13:48
22	the next year?	11:11:42	22	Q Do you recall sending any annual reports	11:13:48
23	A I don't remember. I don't remember. I	11:11:43	23	out for permanent storage?	11:13:53
24	would assume.	11:11:44	24	A Not that I remember. Sorry.	11:13:55
25	Q Throw it away?	11:11:45	25	Q Do you recall talking to anybody during	11:13:57

24 (Pages 90 - 93)

Page 94		Page 96		
1	when you were doing your move to send any annual	11:13:58	1 written sales contracts with its customers?	11:16:21
2	sales reports or sales reports out to storage?	11:14:03	2 A We had a dealer agreement.	11:16:31
3	A Not that I remember.	11:14:07	3 Q Would that have been called a vendor	11:16:36
4	Q And do you recall in this '95 to '99	11:14:08	4 agreement?	11:16:37
5	period whether MCEA had an off site storage facility	11:14:11	5 A I'm not sure what the exact verbiage was.	11:16:40
6	for the housing of records?	11:14:16	6 I don't remember but it was basically a dealer	11:16:43
7	A I'm not aware of any	11:14:20	7 agreement.	11:16:46
8	Q And when you moved to California, did the	11:14:22	8 Q So you had some type of form dealer	11:16:46
9	facility out in California -- this would be, I	11:14:26	9 agreement to give to your customers that would set	11:16:48
10	believe, the 2000 onward period -- have an off site	11:14:29	10 forth the parameters of the sale.	11:16:51
11	storage facility for records?	11:14:34	11 Is that it?	11:16:55
12	A Not that I am aware of or not that I	11:14:36	12 A That is correct.	11:16:56
13	recall	11:14:38	13 Q And did you maintain the dealer	11:16:56
14	Q If records would have been stored in the	11:14:38	14 agreements?	11:16:59
15	Norcross, Georgia, area, where would they have been?	11:14:42	15 A I am not -- I think legal might have	11:17:06
16	They would have been stored on site?	11:14:45	16 maintained those legal agreements. They might have	11:17:10
17	MR. FUENTES: Objection; calls for	11:14:46	17 been with our legal department.	11:17:13
18	speculation.	11:14:47	18 Q But would you or somebody in your staff	11:17:14
19	BY MR. SAVERI:	11:14:48	19 keep a copy of the dealer agreements with your	11:17:17
20	Q To the best of your understanding.	11:14:49	20 customers?	11:17:20
21	A Sorry. I don't know where it would have	11:14:52	21 A I don't recall keeping a copy of the	11:17:21
22	been stored.	11:14:54	22 actual agreements, myself. I think they went to	11:17:23
23	Q And if you had to ask somebody if there	11:14:55	23 legal, if I remember correctly.	11:17:26
24	were records and where they would have been kept,	11:15:00	24 Q Thank you.	11:17:28
25	who would have gone and asked -- at this time, who	11:15:02	25 And do you recall -- do you recall whether	11:17:29

Page 95		Page 97		
1	I would be the person in this '95 to -- that we can --	11:15:05	1 these were annual agreements or were they monthly	11:17:34
2	A It would have been IT, MIS.	11:15:08	2 agreements or -- with your customers?	11:17:38
3	Q And that would should be this Howard --	11:15:10	3 A I think they were annual agreements that	11:17:42
4	no -- Mike Stapleton person?	11:15:12	4 were just automatically renewed on an anniversary	11:17:44
5	A No, Mike Stapleton was a business --	11:15:15	5 date. I think they were -- as a matter of fact, I	11:17:50
6	Business Operations Business Manager.	11:15:18	6 know they were an annual agreement.	11:17:53
7	Q Who would be the IT guy that you would go	11:15:19	7 Q So you would only have to enter into one	11:17:55
8	ask to see if there were any of these documents?	11:15:23	8 agreement and then they would just keep renewing?	11:17:56
9	A I don't recall who this was at this time.	11:15:26	9 You wouldn't have to keep entering into agreements	11:17:59
10	I would have to think about it. It will come to me.	11:15:27	10 every year?	11:18:02
11	Q It usually does.	11:15:29	11 A That's the best of my recollection.	11:18:03
12	And who would he report to, the president?	11:15:30	12 Q And is this is for this '95 to 1999	11:18:04
13	A That's correct.	11:15:32	13 period?	11:18:06
14	Q So the president, theoretically, would	11:15:33	14 A Yes, I think so.	11:18:07
15	know if there would be any storage facilities or	11:15:35	15 (Plaintiff's Exhibit 8302 was marked for	11:18:08
16	these type of documents and where they were housed?	11:15:40	16 identification by the court reporter and	11:18:08
17	MR. FUENTES: Objection to form, calls for	11:15:43	17 is attached hereto.)	11:18:08
18	speculation.	11:15:44	18 BY MR. SAVERI:	11:18:08
19	BY MR. SAVERI:	11:15:45	19 Q Mr. Wasinger, the court reporter has now	11:18:48
20	Q To the best of your understanding.	11:15:45	20 handed you what has been designated as Exhibit 8302	11:18:50
21	A Yes.	11:15:47	21 It bears the Bates number ME 00131766 through	11:18:55
22	Q Let's move on.	11:15:50	22 ME 00131773.	11:19:03
23	So from this '95 to '99 period when you	11:16:09	23 After you have taken a look at it, let me	11:19:09
24	were Western Regional VP and you, among other	11:16:11	24 know and I have a few questions on that.	11:19:18
25	things, are selling CRT televisions, did MCEA have	11:16:16	25 A Okay.	11:19:20

25 (Pages 94 - 97)

Page 98			Page 100			
1	Q	So, Mr. Wasinger, have you seen this	11:19:27	1	Do you see that?	11:22:09
2		document before?	11:19:32	2	A Yes.	11:22:11
3	A	Yes.	11:19:34	3	Q And then down below, there is blanks and	11:22:11
4	Q	And what is this document?	11:19:35	4	did says "P.C. Richard and Son."	11:22:14
5	A	It's a dealer agreement.	11:19:36	5	Do you see that?	11:22:16
6	Q	And it's a dealer agreement with whom?	11:19:40	6	A Yes.	11:22:17
7	A	P.C. Richard and Son.	11:19:43	7	Q And would that indicate to you that this	11:22:17
8	Q	And turning your attention to page 7, do	11:19:45	8	is a contract with P.C. Richard and Son?	11:22:19
9		you see that as your signature?	11:19:49	9	A It's a dealer agreement with P.C. Richard	11:22:22
10	A	Yes, it's like a stamped copy of my	11:19:52	10	and Son.	11:22:24
11		signature but it is my signature.	11:20:03	11	Q Correct.	11:22:25
12	Q	And would that indicate that you entered	11:20:05	12	And was this the general form dealer	11:22:25
13		into this contract for MCEA on or about March 12,	11:20:12	13	agreements that you used at this time with your	11:22:28
14		1996?	11:20:22	14	dealers?	11:22:30
15	A	Well, it looks like it's MELA or maybe --	11:20:23	15	A Yes.	11:22:32
16		at that time, we were MELA, not MCEA.	11:20:25	16	Q And most of them would have been this	11:22:37
17	Q	Well, let's talk about that.	11:20:29	17	form-type contract where you just filled in the	11:22:39
18		So it says "Mitsubishi Electronics	11:20:31	18	dealer name and then the parties would sign it, is	11:22:42
19		America" at the top.	11:20:33	19	that correct?	11:22:45
20		Is that MCEA, MLEA -- or maybe you can	11:20:35	20	A That is correct.	11:22:47
21		help me out there?	11:20:42	21	Q And let's see where am I.	11:22:48
22	A	Again, remember, we made some changes. So	11:20:44	22	And at this time, would you -- from this	11:23:13
23		we may have been -- MCEA may have been part of the	11:20:46	23	'95 to '99 period, would you have been the person	11:23:15
24		business, maybe the manufacturing side and MELA may	11:20:52	24	entering into all the dealer agreements for MELA?	11:23:21
25		have been the sales side. I don't recall	11:20:55	25	A Yes.	11:23:29
Page 99			Page 101			
1		specifically what it is, but I am referring -- I	11:20:56	1	Q So you wouldn't have your staff enter into	11:23:31
2		have been referring to it as MCEA because I don't	11:21:00	2	any of the agreements. You would enter into the	11:23:33
3		really remember which acronym	11:21:03	3	agreements.	11:23:35
4	Q	So you may have been working at MELA?	11:21:06	4	A I would sign off on all agreements, yes.	11:23:38
5	A	That's correct.	11:21:09	5	Q So you would approve them and sign off on	11:23:41
6	Q	Not MCEA?	11:21:09	6	all agreements?	11:23:43
7	A	That is correct.	11:21:11	7	A That is correct.	11:23:46
8	Q	So MELA then would have been the business	11:21:13	8	Q And did you send copies of these	11:23:50
9		that would have been from this '95 to 2000 period	11:21:17	9	agreements to the president?	11:23:54
10		entering into dealer agreement for the sale of CRT	11:21:23	10	A I don't recall.	11:24:00
11		televisions?	11:21:27	11	Q And where -- strike that.	11:24:09
12	A	That is correct.	11:21:28	12	Would you keep copies of these dealer	11:24:10
13	Q	Thank you.	11:21:29	13	agreements with you in your department?	11:24:13
14		And would you have signed this in your	11:21:30	14	A I believe that we sent them to legal.	11:24:16
15		duties and responsibilities as it says here,	11:21:34	15	Q So you don't recall keeping copies?	11:24:21
16		VP National Sales?	11:21:38	16	A I don't recall keeping copies.	11:24:24
17	A	Yes.	11:21:41	17	Q Would copies have been sent to Japan, to	11:24:27
18	Q	And would this have been maintained in the	11:21:42	18	Melco?	11:24:29
19		ordinary course of business at MELA?	11:21:45	19	A Not that I -- I would not think so.	11:24:31
20	MR. FUENTES:	Objection, foundation.	11:21:48	20	Q You don't recall?	11:24:33
21	THE WITNESS:	Yes.	11:21:55	21	A I don't recall.	11:24:34
22	BY MR. SAVERI		11:21:55	22	Q Turning your attention to page 4 of the	11:25:01
23	Q	And you will see it's contract on the	11:22:01	23	agreement or Bates number ending 769, you will see	11:25:03
24		first page that says March 12, 1996. It's filled in	11:22:03	24	paragraph 7A. And directing your attention -- let's	11:25:10
25		the blanks.	11:22:08	25	see -- four lines down, it says.	11:25:22

26 (Pages 98 - 101)

Page 102			Page 104		
1	"Prices to dealer shall be in	11:25:29	1	remember.	11:28:27
2	accordance with applicable price	11:25:32	2	Q Do you recall sending the price list to	11:28:28
3	quotations or periodic price sheets issued	11:25:34	3	Japan Melco?	11:28:30
4	by MELA and shall be F.O.B. MELA's	11:25:37	4	A I don't recall doing that, either.	11:28:33
5	shipping point. Prices are subject to	11:25:41	5	Q And what factors were considered to	11:28:35
6	change at any time."	11:25:44	6	establish the list prices?	11:28:40
7	What is your understanding of that, sir?	11:25:46	7	A The marketplace.	11:28:45
8	A Well, we -- my understanding is simple.	11:25:54	8	Q So you would look at competition in the	11:28:47
9	just what says it. We issue a price sheet and on	11:25:59	9	marketplace?	11:28:49
10	that price sheet is a dealer cost. And then that's	11:26:05	10	A Yes.	11:28:50
11	what the dealer pays for and that's basically it.	11:26:11	11	Q And to do that, did you keep abreast of	11:28:51
12	Q So you had a dealer price sheet.	11:26:19	12	list prices from your competitors?	11:29:02
13	A Yes.	11:26:22	13	A We tried to but the dealers would always	11:29:06
14	Q And that would coincide with this	11:26:23	14	tell you	11:29:09
15	agreement to let them know what they would be paying	11:26:25	15	Q And how often did you come up with a price	11:29:27
16	for the different Mitsubishi televisions?	11:26:28	16	list? Was it annual?	11:29:32
17	A Yes.	11:26:31	17	A Annual.	11:29:34
18	Q And what products would be covered on the	11:26:33	18	Q Quarterly?	11:29:35
19	price sheet?	11:26:44	19	A Annual price list, but it would change	11:29:36
20	A Whatever products we were selling at that	11:26:46	20	depending upon the marketplace.	11:29:38
21	time.	11:26:48	21	Q And so you had an annual price list. And	11:29:39
22	Q So that would be the full array of your	11:26:49	22	then to change it, would you send out a change	11:29:42
23	CRT televisions as well as any other Mitsubishi	11:26:51	23	bulletin or a change announcement for those	11:29:44
24	products?	11:26:54	24	products?	11:29:47
25	A Yes, projection television as well as CRT	11:26:54	25	A Just a new price sheet.	11:29:47
Page 103			Page 105		
1	television.	11:26:57	1	Q You would send out a new price sheet?	11:29:49
2	Q Anything else?	11:26:58	2	A That's correct. Sometimes. Sometimes it	11:29:52
3	A I'm not sure when we stopped selling audio	11:27:00	3	would be a change bulletin. It just depended upon	11:29:53
4	products, but for a time we sold audio products, we	11:27:03	4	how extensive the price move was. That's the best	11:29:56
5	sold DVD players and --	11:27:07	5	of my recollection.	11:29:59
6	Q I'm sorry. Go ahead.	11:27:09	6	Q And would that go out to all the dealers	11:29:59
7	A And that's all I can think of.	11:27:10	7	who were under contract?	11:30:02
8	Q But primarily during this time '95 to	11:27:12	8	A Yes, that's the protocol.	11:30:03
9	1999, it would have been the CRT televisions and the	11:27:16	9	Q And how often were price lists reviewed?	11:30:13
10	rear projection televisions.	11:27:19	10	A I don't -- I don't remember how often we	11:30:19
11	A That is correct.	11:27:21	11	reviewed them. It's almost -- I just don't recall.	11:30:20
12	Q And did the price sheets -- were they for	11:27:26	12	Q But from '95 to '99, to the best of your	11:30:25
13	certain geographic areas or were they for the entire	11:27:31	13	memory, once a year?	11:30:28
14	U.S.?	11:27:35	14	A Well, we reset the price once a year based	11:30:30
15	A Entire U.S.	11:27:36	15	upon the new product line that came. So we would	11:30:33
16	Q And during this period from 1995 to 1999,	11:27:46	16	bring down the price of the old product and	11:30:36
17	what responsibility did you have to set the list	11:27:50	17	introduce a new product at a higher price. That was	11:30:38
18	prices for CRT televisions on the price list?	11:27:55	18	our policy.	11:30:40
19	A Well, I worked with our business manager,	11:28:00	19	Q So your general policy would be that each	11:30:42
20	business team, the operations team, and we would set	11:28:04	20	year, new products would come out, you would price	11:30:45
21	the price based upon what we thought the market	11:28:09	21	those and then lower the older products and put	11:30:48
22	would bear to resell the product.	11:28:12	22	those prices on the price sheets and send them out	11:30:51
23	Q And did the price list have to get	11:28:18	23	to the dealers?	11:30:54
24	approved by the president at this '95 to '99 period?	11:28:20	24	A That is correct.	11:31:08
25	A I don't recall. I'm sorry. I don't	11:28:26	25	Q To whom at -- strike that.	11:31:11

27 (Pages 102 - 105)

Page 106			Page 108		
1	Is it okay now if I use "MELA" or "MCEA"	11:31:14	1	this time that MELA employees were sending price	11:33:24
2	at this time just to make sure that if I say "MELA,"	11:31:19	2	list to other CRT television manufacturers?	11:33:29
3	I am also meaning it's whatever company you were	11:31:21	3	A No, not that I can recall.	11:33:32
4	working for during this 1995 to '99 period.	11:31:25	4	Q So you don't recall ever hearing about it?	11:33:39
5	Is that fair?	11:31:27	5	A No.	11:33:41
6	A That's fair.	11:31:28	6	Q Did you receive price lists from other CRT	11:33:42
7	Q I just want to make sure we're on the same	11:31:28	7	television manufacturers?	11:33:45
8	page.	11:31:31	8	A Not that I can recall, as well.	11:33:48
9	To whom were the price lists distributed	11:31:34	9	Q Did it ever come to your attention that	11:33:52
10	at MELA at this time from '95 to '99?	11:31:37	10	someone at MELA was receiving price lists from other	11:33:54
11	Within MELA, within the company, would	11:31:47	11	CRT television manufacturers?	11:33:59
12	they go to your staff?	11:31:48	12	A Not that I remember.	11:34:02
13	A Yes.	11:31:49	13	Q Do you ever recall reviewing price lists	11:34:03
14	Q Would they go to the president?	11:31:49	14	of your competitors during this period of time, '95	11:34:07
15	A Yes, they would get a copy	11:31:50	15	to '99, at MELA?	11:34:13
16	Q Who else would get a copy?	11:31:53	16	A I don't -- I don't recall reviewing price	11:34:15
17	A The sales team.	11:31:56	17	sheets, specific price sheets from our competitors.	11:34:18
18	Q The sales team?	11:31:56	18	Sometimes dealers would try to get that information	11:34:20
19	A Correct	11:31:57	19	to get the prices down, but we were pretty vigilant.	11:34:23
20	Q And those are the people under you?	11:31:58	20	Q So you would never lower a price sheet to	11:34:32
21	A That's correct.	11:31:59	21	meet a competitive price?	11:34:34
22	Q Marketing, MIS, would any of those people	11:32:01	22	A Oh, yes, we would	11:34:36
23	get them?	11:32:03	23	Q But and how would the dealer inform you of	11:34:38
24	A Yes.	11:32:09	24	those prices?	11:34:43
25	Q And was there a general place where you	11:32:10	25	A Verbally, generally.	11:34:46
Page 107			Page 109		
1	kept copies of the price list and the previous price	11:32:16	1	Q Would you forward on price sheets?	11:34:48
2	list and binders?	11:32:19	2	A Not that I recall.	11:34:50
3	How were they maintained?	11:32:20	3	Q Do you recall any dealers forwarding on	11:35:10
4	A Through the business -- in the Business	11:32:23	4	competitors' price sheets?	11:35:17
5	Management Group. The Business Operations Group	11:32:25	5	A Not that I remember. They may have	11:35:21
6	would maintain the price -- pricing.	11:32:28	6	forwarded on competitors' pricing but not	11:35:24
7	Q And who was in charge of that?	11:32:31	7	competitors' price sheets. I just don't remember	11:35:26
8	A Mike Stapleton.	11:32:32	8	seeing this data.	11:35:31
9	Q Make Stapleton?	11:32:33	9	Q Did it ever come to your attention that	11:35:31
10	A At that time, yes.	11:32:34	10	some dealer was forwarding Mitsubishi price sheets	11:35:36
11	Q At that time that would be Mike Stapleton?	11:32:34	11	to one of your competitors?	11:35:39
12	A (Witness nods head up and down.)	11:32:36	12	A Not that I -- no specific example or that	11:35:44
13	Q And do you recall whether those price	11:32:37	13	I can remember.	11:35:46
14	lists were sent out to storage or they were	11:32:41	14	Q During this period of time at MELA from	11:36:13
15	maintained or they came with you when you moved to	11:32:43	15	'95 to '99, what instructions were given to your	11:36:15
16	California?	11:32:46	16	salesmen as to whether or not to sell at list?	11:36:20
17	A I don't recall. I am sorry.	11:32:48	17	A Repeat that, please	11:36:25
18	Q Did you send Mitsubishi price lists to	11:32:59	18	Q Yeah, yeah. In other words, did you give	11:36:26
19	other CRT television manufacturers?	11:33:04	19	any -- strike that.	11:36:29
20	A Absolutely not.	11:33:06	20	My understanding is from '95 to '99, you	11:36:30
21	Q Did you instruct anyone on your staff to	11:33:09	21	were the Western Regional salesperson for MELA at	11:36:33
22	send price lists to other CRT manufacturers?	11:33:13	22	this time and that you had a staff of 10 to 12	11:36:39
23	A Absolutely not.	11:33:16	23	people of salespeople under you.	11:36:41
24	Q Did it ever -- during this period from '95	11:33:18	24	And you also indicated that you have list	11:36:44
25	to '99, did it ever come to your attention during	11:33:21	25	pricing.	11:36:47

28 (Pages 106 - 109)

Page 110				Page 112			
1	A	Well, during that -- I'm sorry. Go ahead.	11:36:48	1	A	Yes.	11:39:58
2	Q	During that period you had list pricing.	11:36:50	2	Q	And you will agree that you won't use any	11:39:59
3		And what I am asking is, did you ever give	11:36:52	3		confidential material for any purposes?	11:40:02
4		your salesmen instructions as to sell on list?	11:36:56	4	A	That's correct.	11:40:06
5	A	I'm sorry. I don't understand what you	11:37:05	5		(Plaintiff's Exhibit 8303 was marked for	11:40:06
6		mean by "sell on list."	11:37:06	6		identification by the court reporter and	11:40:06
7	Q	To -- whether or not to sell at list	11:37:07	7		is attached hereto.)	11:40:06
8		pricing.	11:37:11	8	BY MR. SAVERI.		11:40:06
9		In other words, did you give instructions	11:37:12	9	Q	So, Mr. Wasinger, the court reporter has	11:41:20
10		to them to follow the list pricing that was	11:37:13	10		now handed you what has been designated as	11:41:22
11		instituted by MELA?	11:37:17	11		Exhibit 8303. It's a Bates stamped document	11:41:25
12	A	We tried to do that. However, there were	11:37:20	12		TACP-CRT-00033819 through 33820.	11:41:31
13		times where you had to meet comp -- competition was	11:37:23	13		Please, take a minute to review it and	11:41:42
14		aggressive and we had to -- we would have to review	11:37:26	14		then I will ask a few questions on it.	11:41:44
15		those circumstances, and if necessary, we would have	11:37:29	15	A	Okay.	11:41:54
16		to meet comp.	11:37:33	16	Q	Well, first of all, the second page of	11:42:00
17	Q	But besides meeting comp -- when you say	11:37:34	17		this, the cover memo refers to this as a Mitsubishi	11:42:02
18		"meet comp," that is meeting competition?	11:37:37	18		price sheet.	11:42:15
19	A	That's correct.	11:37:40	19		And do you recognize this as a Mitsubishi	11:42:16
20	Q	But besides that, it was the general	11:37:41	20		or part of a Mitsubishi price sheet?	11:42:19
21		policy to send out the list pricing to the dealers	11:37:43	21	A	Yes, as I recall.	11:42:29
22		who were on these dealer agreements, is that	11:37:46	22	Q	And do the -- where it says color	11:42:31
23		correct?	11:37:48	23		televisions, the CS-13013 and has a bunch of product	11:42:33
24	A	That is correct.	11:37:50	24		brand numbers all the way down to CS-40707.	11:42:38
25	Q	If your salesmen wanted to deviate from	11:37:59	25		Those would be Mitsubishi color CRT	11:42:43

Page 111				Page 113			
1		the list pricing, did he have to get authority from	11:38:03	1		televisions, is that correct?	11:42:48
2		you during this -- during this '95 to '99 when you	11:38:05	2	A	That's correct.	11:42:50
3		were at MELA?	11:38:09	3	Q	And then just to help me out, it says up	11:42:51
4	A	Yes, the authority would come through the	11:38:11	4		at top "As of: 6/3/96."	11:42:56
5		Business Planning Group and/or myself.	11:38:13	5		Do you see that?	11:43:01
6	Q	And when you say the "Business Planning	11:38:18	6	A	Yes.	11:43:02
7		Group," what was in the Business Planning Group?	11:38:20	7	Q	So does that mean that this would be the	11:43:02
8	A	Mike Stapleton was in that group. He was	11:38:24	8		price sheet on or about June 3, 1996?	11:43:04
9		head of that. He followed it closely.	11:38:26	9	A	Yes.	11:43:08
10	Q	So it was Mike Stapleton, you, the	11:38:28	10	Q	And then just so I am understanding it	11:43:10
11		president?	11:38:30	11		here, it says on the top there under that, it has	11:43:14
12	A	The president was not involved in the	11:38:30	12		model and then it has a series of those numbers.	11:43:17
13		pricing on a day-in/day-out basis.	11:38:32	13		Do you see that?	11:43:20
14	Q	But he did get copies of the list prices?	11:38:36	14	A	Yes.	11:43:20
15	A	That's correct.	11:38:42	15	Q	So the numbers CS-13103, those would refer	11:43:21
16	Q	So if I understand your answer correctly,	11:38:47	16		to the television model numbers, is that correct?	11:43:27
17		so to go off list, it would have to get approved by	11:38:49	17	A	Correct.	11:43:30
18		this business group?	11:38:52	18	Q	And then it says the next column,	11:43:30
19	A	And myself.	11:38:54	19		"Description," the top one 13-inch black and goes on	11:43:32
20	Q	And yourself.	11:38:55	20		all the way down to 40-inch black.	11:43:36
21	A	That's correct.	11:38:58	21		Do you see that?	11:43:39
22	Q	So just a preliminary matter, if I show	11:39:46	22	A	Yes.	11:43:39
23		you documents that have been maintained as	11:39:49	23	Q	So those would be the sizes of the	11:43:40
24		confidential, you will you agree to keep that	11:39:53	24		televisions and I guess the casing color, black or	11:43:43
25		material confidential?	11:39:57	25		oak console, is that correct?	11:43:47

29 (Pages 110 - 113)

Page 114			Page 116		
1	A	Correct. 11:43:49	1	projection televisions?	11:45:59
2	Q	And then it says "Dealer Cost." There is 11:43:49	2	A	Yes. 11:46:00
3		a column there. 11:43:53	3	Q	And unfortunately, this is just page one 11:46:03
4		So that would be the price at which a 11:43:54	4		of three. I'm assuming two and three would be 11:46:06
5		dealer would pay for the item; is that correct? 11:43:56	5		additional if it was here. 11:46:10
6	A	Correct 11:44:00	6		Products sold by Mitsubishi? 11:46:14
7	Q	And then it says "MAP." 11:44:01	7	MR. FUENTES	Objection; foundation. 11:46:17
8		What is MAP? 11:44:02	8	BY MR. SAVERI	11:46:18
9	A	Manufacture advertised price. 11:44:03	9	Q	To the best of your recollection? 11:46:18
10	Q	So that would be sort of the retail price? 11:44:06	10	MR. FUENTES	Objection; calls for 11:46:20
11	A	Yes. 11:44:12	11		speculation. 11:46:20
12	Q	The suggested retail price? 11:44:12	12	THE WITNESS	Unless it's another 11:46:22
13	A	Manufactured advertised price, right. 11:44:15	13		competitor that they listed other competitors. 11:46:23
14	Q	So this would be a price that you would be 11:44:17	14	BY MR. SAVERI	11:46:27
15		advertising out in the public. 11:44:19	15	Q	No, but this price sheet that you 11:46:28
16	A	Yes. 11:44:22	16		indicated looks like Mitsubishi's price sheet. 11:46:34
17	Q	And then there is comments, "in stock," 11:44:23	17	A	Right. 11:46:38
18		"new model," "sold out" and so forth. 11:44:27	18	Q	In other words, what I am thinking 11:46:39
19		Do you see that? 11:44:30	19		happened is they tore off the other two pages and 11:46:40
20	A	Yes. 11:44:31	20		just sent this one page. I don't know but I am. 11:46:42
21	Q	And then it has "ETA." 11:44:33	21		just -- all I am asking for is there would be two 11:46:45
22		Do you see that at the top? 11:44:38	22		other pages and it would have Mitsubishi products on 11:46:49
23	A	Yes. 11:44:39	23		them? 11:46:52
24	Q	What is your understanding of ETA? 11:44:40	24	MR. FUENTES	Objection; foundation. 11:46:53
25	A	Estimated time of arrival. 11:44:42	25	THE WITNESS	Yes, but I don't know what 11:46:57
Page 115			Page 117		
1	Q	And then some of these products have -- 11:44:47	1	other products they would have. That's pretty much 11:46:58	
2		Let's just take this one here CS-32207 32-inch 11:44:48	2	the entire product line, if I remember -- if my 11:47:00	
3		black, it has ETA 6/20/96. 11:44:53	3	recollection is correct. 11:47:03	
4		Does that mean that that product would be 11:44:58	4	BY MR. SAVERI 11:47:04	
5		available on June 20, 1996? 11:45:00	5	Q	Do you recall whether the other pages 11:47:05
6	A	Yes. 11:45:02	6		would have -- I don't know -- orders, procedures or 11:47:07
7	Q	And as you go down the next one, so 11:45:02	7		something or forms or other -- 11:47:09
8		these -- that product isn't in the market yet? 11:45:05	8	A	I don't recall. 11:47:12
9	A	New model. 11:45:08	9	MR. FUENTES	Objection; foundation. 11:47:13
10	Q	New model. 11:45:08	10	BY MR. SAVERI 11:47:13	
11		And the same thing for 32-inch oak 11:45:09	11	Q	Now, turning to the first page, do you 11:47:15
12		console, that would be in July 25, '96? 11:45:12	12		know Jim Donahue at Toshiba? 11:47:18
13	A	Yes. 11:45:19	13	A	I do. 11:47:22
14	Q	That is a new model; is that correct? 11:45:21	14	Q	And how do you know Mr. Donahue? 11:47:23
15	A	Correct. 11:45:29	15	A	I just met him over the years at trade 11:47:25
16	Q	And then on the bottom, it says color 11:45:42	16		shows, at CES, different events. 11:47:27
17		television VCR combo. 11:45:45	17	Q	And when you say "CES," the computer 11:47:31
18		Are those televisions with VCR's built 11:45:48	18		electronics show in Las Vegas? 11:47:35
19		into them? 11:45:51	19	A	Consumer electronics show 11:47:38
20	A	Correct. 11:45:52	20	Q	That's in Las Vegas? 11:47:40
21	Q	Would that be a CRT television? 11:45:52	21	A	That's correct. 11:47:42
22	A	Yes. 11:45:53	22	Q	And so you would periodically run into 11:47:42
23	Q	And then below, it has big screen 11:45:54	23	Mr. Donahue? 11:47:46	
24		televisions. 11:45:57	24	A	Yes. 11:47:47
25		Are those the -- would that be the rear 11:45:58	25	Q	And do you know Rick -- and did you -- and 11:47:50

30 (Pages 114 - 117)

Page 118			Page 120		
1	over those periods of time, did you ever have	11:47:53	1	A No, not that I can ever recall.	11:50:08
2	discussions with him regarding the display market?	11:47:55	2	Q Did you ever talk to him about LCD	11:50:10
3	A Absolutely not.	11:47:59	3	televisions?	11:50:13
4	Q And did you ever have any discussions with	11:48:06	4	A Not that I can recall	11:50:14
5	him regarding the television market?	11:48:07	5	Q With Mr. Calacci, do you ever recall	11:50:17
6	A No	11:48:09	6	talking to him about the display market?	11:50:20
7	Q Do you ever recall during those meetings	11:48:10	7	A No, not that I can -- no.	11:50:22
8	with him having discussions regarding the forwarding	11:48:12	8	Q At any time.	11:50:24
9	of price sheets?	11:48:19	9	A Not that I can recall.	11:50:25
10	A Never.	11:48:22	10	Q And when you said the same situation with	11:50:26
11	MR. FUENTES. Rick, may I clarify. Are	11:48:23	11	Mr. Calacci, that would be running into him at trade	11:50:30
12	you asking as to Jim Donahue or Rick Calacci?	11:48:24	12	associations and trade shows?	11:50:33
13	MR. SAVERI: Jim Donahue.	11:48:29	13	A That's correct.	11:50:34
14	BY MR. SAVERI:	11:48:30	14	Q Did you ever run into him out at a	11:50:34
15	Q Because you indicated he's met him at	11:48:30	15	customer?	11:50:37
16	trade shows, the CEA and others.	11:48:33	16	A Not that I remember.	11:50:40
17	And so I was asking during those meetings,	11:48:37	17	Q And with Mr. Donahue, do you ever recall	11:50:42
18	if you had any discussions with him regarding the	11:48:38	18	running into him out at a customer?	11:50:45
19	display market.	11:48:41	19	A Not that I remember.	11:50:48
20	A Absolutely not.	11:48:42	20	Q So your only communication with these two	11:50:50
21	Q Did you have any discussions with him	11:48:43	21	would have been at trade shows or trade events.	11:50:53
22	about new products coming out?	11:48:45	22	Is that it?	11:50:56
23	A No.	11:48:48	23	A Yes.	11:50:57
24	Q Did you have any discussions with	11:48:51	24	Q Did you ever socialize with them?	11:50:58
25	Mr. Donahue about the health of the display	11:48:53	25	A No.	11:51:01
Page 119			Page 121		
1	industry?	11:48:57	1	Q You never went out and had drinks or	11:51:01
2	A No.	11:48:59	2	played golf with them?	11:51:03
3	Q Did you -- would you -- do you know Rick	11:49:07	3	A Not that I recall	11:51:04
4	Calacci -- I believe that is how you pronounce it?	11:49:12	4	Q And looking into the substance of the	11:51:18
5	A I do.	11:49:16	5	interoffice memo here, it indicates that 3 percent	11:51:22
6	Q And how do you know Mr. Calacci?	11:49:16	6	COOP, C-O-O-P.	11:51:27
7	A Same thing, different industry functions.	11:49:18	7	What is your understanding of that?	11:51:31
8	different events.	11:49:20	8	A It's co-op advertising	11:51:32
9	Q And just so -- Jim Donahue, do you know	11:49:27	9	Q And 2 percent MDF.	11:51:34
10	what his position is or was at this time at Toshiba?	11:49:29	10	What's MDF?	11:51:36
11	A Just sales. That's all I know, some	11:49:33	11	A Market development funds.	11:51:38
12	capacity of sales. I don't know what position.	11:49:35	12	Q And 5 percent VR?	11:51:39
13	Q So he's a sales guy at Toshiba?	11:49:37	13	A Volume rebate.	11:51:40
14	A That's correct.	11:49:40	14	Q And 1 percent additional if the group hits	11:51:42
15	Q And Mr. Calacci?	11:49:41	15	target.	11:51:44
16	A Same thing, sales manager. Mr. Calacci	11:49:42	16	Additional rebate, I assume?	11:51:45
17	would have been Jim Donahue's boss, I would assume,	11:49:45	17	A Yes.	11:51:48
18	based on this memo.	11:49:49	18	Q And is that some volume rebate, basically?	11:51:49
19	Q So it's your understanding that	11:49:50	19	A That's correct	11:51:52
20	Mr. Calacci was Jim's boss?	11:49:51	20	Q And then it's CC'd to Steve Nickerson.	11:51:55
21	A That's my understanding.	11:49:53	21	Do you know Mr. Nickerson?	11:51:58
22	THE CLERK: Objection.	11:50:02	22	A Yes.	11:52:00
23	BY MR. SAVERI:	11:50:02	23	Q And what is your understanding of his	11:52:01
24	Q And then back to Mr. Donahue, did you ever	11:50:02	24	position at Toshiba?	11:52:03
25	talk about projection TV's?	11:50:05	25	A He's no longer with them.	11:52:05

Page 122				Page 124			
1	Q	At this time, 1996.	11:52:06	1	America, Inc." and "Mitsubishi" with a big diamond	11:55:19	
2	A	I don't recall.	11:52:11	2	at the top?	11:55:21	
3	Q	Would he have been another salesperson?	11:52:12	3	A Yes.	11:55:24	
4	A	Salesperson.	11:52:15	4	Q And would that be MELA?	11:55:25	
5	Q	And would Mr. Nickerson -- your meetings	11:52:16	5	A MELA.	11:55:29	
6		with him only been at trade shows?	11:52:18	6	Q Excuse me. MELA.	11:55:32	
7	A	Yes.	11:52:21	7	A Yes.	11:55:36	
8	Q	Do you ever recall talking to him about	11:52:21	8	Q I'm sorry.	11:55:37	
9		the display market?	11:52:23	9	It's a yes; is that correct?	11:55:38	
10	A	No.	11:52:24	10	A Yes.	11:55:40	
11	Q	Do you ever recall talking to him about	11:52:25	11	Q So this would have been the company that	11:55:41	
12		the television market?	11:52:26	12	you were working at; is that correct?	11:55:42	
13	A	No.	11:52:27	13	A Yes.	11:55:45	
14	Q	Do you ever recall talking to him about	11:52:27	14	Q And there is a date there, April 5, 1996.	11:55:45	
15		the rear projection market?	11:52:29	15	Do you see that?	11:55:51	
16	A	No.	11:52:31	16	A Yes.	11:55:51	
17	Q	Do you ever recall talking to him about	11:52:34	17	Q And then it says "To" All Mitsubishi	11:55:52	
18		the LCD markets?	11:52:36	18	Dealers."	11:55:54	
19	A	No, not that I recall.	11:52:37	19	Do you see that?	11:55:55	
20	Q	You don't recall one way or the other?	11:52:40	20	A Yes.	11:55:55	
21	A	No, I did not.	11:52:42	21	Q And then the re line, "June 1 Price Moves	11:55:56	
22	Q	Mike Shishkoff. I apologize if I	11:52:45	22	and April Trailing Credits."	11:55:58	
23		mispronounce that. I think it's Shishkoff.	11:52:48	23	Do you see that?	11:56:01	
24		Do you see him there at the bottom?	11:52:51	24	A Yes.	11:56:01	
25	A	Yes.	11:52:52	25	Q And would this have been a price bulletin	11:56:02	
Page 123				Page 125			
1	Q	Do you know Mr. Shishkoff?	11:52:53	1	that was sent by your group to its dealers regarding	11:56:08	
2	A	No.	11:52:55	2	June 1 price moves?	11:56:15	
3	Q	You don't recall ever meeting him?	11:52:56	3	A Yes.	11:56:16	
4	A	No.	11:52:58	4	Q And so this would have been prepared in	11:56:17	
5	Q	Mr. Wasinger. I am handing you what --	11:54:08	5	the ordinary course of business at MELA?	11:56:19	
6		strike that.	11:54:15	6	A Correct.	11:56:24	
7		I have previously mentioned to you about	11:54:16	7	Q And would this have been something you	11:56:25	
8		confidential information. And so the same	11:54:17	8	would have approved?	11:56:27	
9		admonition goes here, that if I show you	11:54:20	9	A Yes.	11:56:29	
10		confidential information, you will maintain that	11:54:22	10	Q And would you do this or would somebody on	11:56:30	
11		confidential information; is that correct?	11:54:24	11	your team do this?	11:56:32	
12	A	That's correct.	11:54:27	12	A Somebody on my team.	11:56:38	
13		(Plaintiff's Exhibit 8304 was marked for	11:54:27	13	Q And then would it come to you for	11:56:40	
14		identification by the court reporter and	11:54:27	14	approval?	11:56:43	
15		is attached hereto.)	11:54:27	15	A Yes.	11:56:43	
16	BY MR. SAVERI:		11:54:27	16	Q And the procedure, again, I think -- well,	11:56:44	
17	Q	Mr. Wasinger, the court reporter has	11:54:33	17	we talked about if there were changes in prices,	11:56:45	
18		handed you what has been now designated 8304. It	11:54:34	18	they would then -- it would be a new price sheet or	11:56:48	
19		bears the Bates numbers TACP-CRT-00055476 through,	11:54:39	19	there would be a bulletin; is that correct?	11:56:51	
20		it looks like, 55478.	11:54:49	20	A That's correct.	11:56:54	
21		If you could, please, take a look at that	11:54:54	21	Q And this would be an example of one of	11:56:54	
22		and then I have a few questions for you, please.	11:54:57	22	those bulletins?	11:56:56	
23	A	Okay.	11:55:01	23	A That's correct.	11:56:58	
24	Q	Directing your attention to the last page	11:55:07	24	Q And just so we're clear, where says it the	11:56:58	
25		here, 55478, do you see it says "Electronics	11:55:12	25	models up there, that would describe the product. is	11:57:00	

Page 126			Page 128		
1	that correct?	11:57:02	1	Q And let's go now to the front page where	11:59:37
2	A Correct	11:57:03	2	if says "Inter-Office Memorandum" for Toshiba	11:59:40
3	Q And the CS-40507, that is CRT televisions?	11:57:04	3	America consumer products.	11:59:43
4	A Yes, that's a 40-inch CRT television.	11:57:10	4	This is Mr. Donahue again.	11:59:46
5	Q Just so we're clear here, it says V --	11:57:14	5	A Yeah.	11:59:47
6	under model, it has VS-6041.	11:57:17	6	Q From him.	11:59:48
7	What is that?	11:57:21	7	And in there, in the second paragraph, he	11:59:49
8	A That is a projection television.	11:57:22	8	says,	11:59:53
9	Q And then under it is CS-35405.	11:57:23	9	"I also picked up information on	11:59:53
10	Are the CS numbers, those would be CRT	11:57:28	10	Mitsubishi's latest price moves and	11:59:56
11	televisions?	11:57:31	11	JVC's."	11:59:59
12	A Yes.	11:57:32	12	Do you see that?	12:00:01
13	Q And that would range from the 35- up to	11:57:33	13	A Yes.	12:00:01
14	40-inch?	11:57:35	14	Q Do you have any understanding where	12:00:02
15	A Yes.	11:57:37	15	Mr. Donahue would be receiving your price	12:00:04
16	Q And then it has "MAP." That would be the	11:57:38	16	notification?	12:00:08
17	manufacturer's advertised price.	11:57:44	17	A I do not.	12:00:09
18	That would be the price you would be	11:57:46	18	Q And this is to Steve Nickerson.	12:00:11
19	requesting the dealer sell at, is that correct?	11:57:49	19	Do you know Mr. Nickerson in the "to"	12:00:16
20	A Correct.	11:57:53	20	line?	12:00:18
21	Q And it has "Dealer Cost."	11:57:54	21	A Yes.	12:00:19
22	This would be the new cost as it relates	11:57:55	22	Q And who is Mr. Nickerson?	12:00:20
23	to these products?	11:57:59	23	A Well, he's in charge of sales. I	12:00:22
24	A Yes.	11:58:00	24	assume-- I don't recall his exact position but it	12:00:27
25	Q And could you just run me through the	11:58:02	25	would have been a senior manager in the sales group.	12:00:28
Page 127			Page 129		
1	"April trailing credits are as follows."	11:58:04	1	Q And have you ever met Mr. Nickerson?	12:00:31
2	Could you just explain what those are,	11:58:07	2	A Yes.	12:00:34
3	please.	11:58:09	3	Q And where did you meet Mr. Nickerson?	12:00:34
4	A It's just a trail credit. If a person	11:58:13	4	A Different trade shows, different trade	12:00:38
5	purchased that product, 25-piece minimum, mixed	11:58:17	5	meeting functions, consumer electronics shows, those	12:00:44
6	minimum of the models listed below, they would get	11:58:25	6	type of events.	12:00:47
7	\$35 per unit trial credit. That is off the invoice	11:58:28	7	Q When you say "functions," what do you mean	12:00:48
8	price.	11:58:33	8	by "functions"?	12:00:50
9	So if the dealer cost was 2102 -- well, if	11:58:33	9	A Well, for example, there are buying groups	12:00:51
10	the dealer cost was \$1000, for example, they would	11:58:36	10	or buying cooperatives and they may have a meeting.	12:00:56
11	get \$1000 less \$35 for unit trial credit.	11:58:39	11	And at that meeting, the vendors would go in,	12:00:58
12	Q And that would be at the time of purchase	11:58:45	12	Mitsubishi, one of vendors, and you would present	12:01:03
13	or at back end after purchase?	11:58:48	13	your new product line to them in a meeting, while at	12:01:05
14	A That would come off the invoice at time of	11:58:53	14	the same time, there may be other manufacturers	12:01:09
15	purchase. That's the best of my recollection.	11:59:03	15	there, as well that would present, not in the same	12:01:11
16	Q Fair enough.	11:59:04	16	room but a different time.	12:01:14
17	And the one-piece minimum?	11:59:05	17	So I may see them in passing or you are	12:01:15
18	A That's the one piece, but if they bought	11:59:10	18	introduced to people in the industry in those type	12:01:19
19	50 pieces or more, they got a larger trail credit.	11:59:14	19	of venues.	12:01:21
20	Q And then you see there is some handwritten	11:59:18	20	Q Are you done?	12:01:23
21	notes up there? It says 2 percent?	11:59:20	21	A Yeah.	12:01:24
22	A I don't know what that is.	11:59:23	22	Q Sorry. I apologize.	12:01:25
23	Q VR plateau corp or something?	11:59:24	23	So if there was some buying group or they	12:01:26
24	A Co-op -- I have no idea. I'm sorry. I	11:59:27	24	may have worked -- held a function in which they	12:01:30
25	don't know what that is.	11:59:31	25	wanted vendors to come in and present what product	12:01:34

Page 130			Page 132		
1	they have and what they want to sell them at?	12:01:38	1	Same situation, would run into him at	12:04:02
2	A That's correct.	12:01:41	2	these buying groups and trade associations or golf?	12:04:04
3	Q And in that situation, you would see	12:01:42	3	A Yes, yes.	12:04:07
4	Toshiba salespeople and Samsung salespeople and	12:01:45	4	Q Or golfing events, is that correct?	12:04:08
5	LG salespeople?	12:01:49	5	A Yes.	12:04:11
6	A That is correct.	12:01:50	6	Q Mike Shishkoff, I think we talked about	12:04:13
7	Q And the other competitors in the	12:01:51	7	also same thing, you would run --	12:04:16
8	television industry?	12:01:54	8	A No, I don't know him.	12:04:18
9	A That is correct.	12:01:55	9	Q You don't recall him?	12:04:20
10	Q And that would be when you referenced	12:01:56	10	A I don't recall him	12:04:21
11	functions outside of trade shows?	12:02:01	11	Q Claude Frank?	12:04:22
12	A That is correct.	12:02:03	12	A I don't recall him.	12:04:23
13	Q Are there any other types of functions you	12:02:04	13	Q Bobby Gerber?	12:04:24
14	would run into these individuals?	12:02:07	14	A I don't remember him or her.	12:04:25
15	A No.	12:02:08	15	Q Pat Byrne?	12:04:26
16	Q And how often did these trade buying	12:02:09	16	A I don't recall Pat Byrne	12:04:29
17	groups have these type of functions?	12:02:12	17	Q Mike San Matte? Apologize.	12:04:31
18	A Normally, annually or semi-annually.	12:02:17	18	A I recall him, San Matte. I recall him	12:04:35
19	Q So once or twice a year, a buying group	12:02:19	19	because he died.	12:04:39
20	would have these types of events?	12:02:22	20	Q And but did you ever have any	12:04:41
21	A That is correct.	12:02:24	21	conversations with him?	12:04:43
22	Q And how many buying groups do you recall	12:02:24	22	A No, never	12:04:45
23	doing this at that time?	12:02:26	23	Q And do you have any understanding what	12:04:46
24	A Maybe four, four different buying groups,	12:02:31	24	NE KAM's are?	12:04:48
25	four or five, maybe five.	12:02:35	25	A I don't know who NE KAM's is	12:04:49
Page 131			Page 133		
1	Q So four or five different buying groups.	12:02:38	1	Are we finished with this document?	12:05:06
2	And you would be the person making the	12:02:40	2	Q Yeah, we are.	12:05:08
3	pitch for Mitsubishi at these buying groups?	12:02:43	3	MR. SAVERI: This may be a good time to	12:05:27
4	A Sometimes	12:02:45	4	take the lunch break since we are past 12:00	12:05:28
5	Q Or somebody on your staff, is that it?	12:02:46	5	MR. FUENTES: Fine with us	12:05:31
6	A Yes.	12:02:48	6	MR. SAVERI: Is that okay?	12:05:32
7	Q And at those functions, you would then run	12:02:51	7	MR. FUENTES: When do you want to come	12:05:34
8	into the other salespeople for the other CRT	12:02:53	8	back?	12:05:35
9	television merchandisers?	12:02:56	9	MR. SAVERI: 1:00. Why we start at 1:05.	12:05:36
10	A Correct.	12:02:57	10	So we are going off the record.	12:05:38
11	Q And so besides these buying group	12:03:05	11	MR. FUENTES: Yeah, off the record.	12:05:41
12	functions and the trade associations, was there ever	12:03:08	12	THE VIDEOGRAPHER: Off the record.	12:05:42
13	another situation where you would run into Toshiba	12:03:15	13	12:05 p.m.	12:05:43
14	individuals?	12:03:19	14	(Whereupon, at the hour of 12:05 p.m., a	
15	A The only one I can think of would be like	12:03:21	15	luncheon recess was taken, the deposition	
16	at a charity golf event or maybe a large retailer	12:03:24	16	to be resumed at 1:05 p.m.)	
17	would have some sort of an annual golf event, that	12:03:31	17		
18	type of thing.	12:03:36	18		
19	Q So at these annual golf events, you would	12:03:37	19		
20	run into other salespeople from the other television	12:03:41	20		
21	manufacturers?	12:03:45	21		
22	A Yes.	12:03:46	22		
23	Q Looking back at this document, we talked	12:03:52	23		
24	about -- we're in the CC line -- Rich Calacci, I	12:03:57	24		
25	think we talked about him.	12:04:01	25		

34 (Pages 130 - 133)

Page 134			Page 136		
1	LOS ANGELES, CALIFORNIA; THURSDAY, JULY 16, 2015		1	form, dealer agreement?	13:07:53
2	1:06 P.M.		2	A Yes, to the best of my knowledge, yeah	13:07:54
3			3	Q Fair enough	13:07:59
4	THE VIDEOGRAPHER: Back on the record at	13:06:00	4	Just some more clean up.	13:08:01
5	1:06 p.m.	13:06:00	5	THE VIDEOGRAPHER: Off the record at	13:08:24
6		13:06:00	6	1:08 p.m.	13:08:25
7	EXAMINATION (CONTINUED)	13:06:00	7	(Off the record.)	13:08:26
8	BY MR. SAVERI	13:06:02	8	THE VIDEOGRAPHER: Back on the record at	13:12:45
9	Q Mr. Wasinger, if I may return to	13:06:06	9	1:12 p.m.	13:12:46
10	Exhibit 8302. That is the dealer agreement. I just	13:06:08	10	BY MR. SAVERI	13:12:49
11	want to clear something else, if I can.	13:06:12	11	Q Next one in line, I think it's 8305.	13:12:49
12	If I turn to where you signed it, it says	13:06:17	12	(Plaintiff's Exhibit 8305 was marked for	13:12:53
13	Max Wasinger. This is page 7 of the dealer	13:06:22	13	identification by the court reporter and	13:12:53
14	agreement.	13:06:25	14	is attached hereto.)	13:12:53
15	Are you all set?	13:06:28	15	BY MR. SAVERI:	13:13:11
16	A Yes.	13:06:29	16	Q Mr. Wasinger, the court reporter has now	13:13:11
17	Q Do you see where it says "Max Wasinger,	13:06:30	17	designated what is now known as Exhibit 8305. It's	13:13:13
18	VP National Sales"?	13:06:32	18	a single page bearing the Bates number ME 00013506.	13:13:17
19	A Right.	13:06:34	19	Take a look at it for a minute and when	13:13:26
20	Q When we talked about your title, you said	13:06:34	20	you are ready, let me know.	13:13:29
21	you were regional -- I just want -- the record is a	13:06:36	21	A Please, I am ready.	13:13:31
22	little muddy and I just want to be clear	13:06:39	22	Q Are you all set?	13:13:34
23	You mentioned you were regional and Mr. --	13:06:42	23	A Yes.	13:13:35
24	I think it was Bosso -- was the eastern regional for	13:06:44	24	Q Looking at the top, in the last there is a	13:13:39
25	this period of time. Did there come a time --	13:06:49	25	circle, May 19, 1995. And would that indicate to	13:13:44
Page 135			Page 137		
1	Broza, I believe was eastern	13:06:50	1	you -- strike that.	13:13:47
2	Did there come a time -- this was '96, I	13:06:54	2	And then it has "CRT and CTV and PTV	13:13:48
3	believe, where you just took over and you were the	13:07:01	3	Manufacturers in New York."	13:13:53
4	top national sales guy?	13:07:02	4	Do you see that title?	13:13:54
5	A Yes, yes, that's correct.	13:07:05	5	A Yes	13:13:55
6	Q Would it be about '96 here?	13:07:06	6	Q And PTV would be?	13:13:56
7	A Yes, probably from first part of '96.	13:07:08	7	A Projection TV.	13:13:57
8	Q So from '96 on until 2000 when you took	13:07:10	8	Q Projection	13:13:58
9	your new title, you would have been the top	13:07:13	9	So this is CRT. That would be the tubes?	13:13:59
10	salesman, the National Sales Vice President.	13:07:16	10	A Yes.	13:14:01
11	A Correct.	13:07:20	11	Q And CTV would be color televisions?	13:14:02
12	Q And that would be at MELA?	13:07:20	12	A Yes	13:14:06
13	A I believe so.	13:07:22	13	Q And PTV would be projection TV	13:14:07
14	Q Thank you.	13:07:23	14	manufacturers of North America	13:14:10
15	That is all on that. I just want to make	13:07:25	15	Do you see that?	13:14:12
16	sure on that.	13:07:27	16	A Yes	13:14:13
17	And therefore, all regions would have	13:07:29	17	Q And so would that indicate to you that	13:14:13
18	reported to you.	13:07:31	18	this is a MAP outlining the two -- the CRT two	13:14:15
19	A Yes. That's why I signed the agreement	13:07:32	19	manufacturers, the color televisions and projection	13:14:21
20	which is out of New York -- or New Jersey -- yeah.	13:07:34	20	TV's in North America as of 1995?	13:14:24
21	New York. So that's not west. That is east. So I	13:07:37	21	A Yes	13:14:28
22	had everything.	13:07:42	22	Q And just to kind of where we were, about	13:14:34
23	Q It certainly is. And so -- and as you	13:07:43	23	where we are, then in -- you see where it says "2"	13:14:36
24	testified before, all the dealer agreements then you	13:07:46	24	in California down there near the Los Angeles area	13:14:38
25	would have signed -- and they generally took this	13:07:49	25	and on the bottom it has MCEA?	13:14:41

35 (Pages 134 - 137)

Page 138			Page 140		
1	A	Yes. 13:14:45	1	A	Yes, after it was completed. 13:17:12
2	Q	And is that your recollection that there 13:14:46	2	Q	How many times did you go visit this 13:17:13
3		was a -- that MCEA had a facility in -- looks like 13:14:47	3		facility? 13:17:14
4		Santa Ana -- at that time? 13:14:52	4	A	I am not sure. Not often, not often. 13:17:15
5	A	You are correct. 13:14:54	5	Q	When you were down there, did you ever go 13:17:17
6	Q	And then if you go to "9," which is in 13:14:55	6		visit any other CRT television manufacturing 13:17:19
7		Georgia, there is MCEA there, too. 13:14:59	7		facilities down there of any of these other of your 13:17:24
8	A	Yes. 13:15:06	8		competitors? 13:17:26
9	Q	And does that refresh your recollection 13:15:07	9	A	No. 13:17:27
10		that there was -- MCEA was in Georgia and Santa Ana 13:15:09	10	Q	Did you ever go visit any plants down in 13:17:32
11		beginning of May of '95? 13:15:15	11		the Juarez area? 13:17:34
12	A	Yes. 13:15:17	12	A	No. 13:17:38
13	Q	And then there is a Mitsubishi facility, 13:15:23	13	Q	Or any tube facilities or any television 13:17:38
14		it looks like, up in Canada. 13:15:25	14		or monitor manufacturing facilities? 13:17:41
15	A	Yes. 13:15:30	15	A	No. 13:17:44
16	Q	What is your understanding of -- and it's 13:15:31	16	Q	Did you ever visit at any during this 13:17:50
17		hard to read, I apologize, this is the way it was 13:15:33	17		period of time from '95 to 2000 when you were at 13:17:52
18		given to us -- Mallard or Medford something, Canada? 13:15:36	18		MELA, did you ever visit any facilities of your 13:17:57
19	A	I'm not -- I'm not familiar with it. 13:15:41	19		competitors? 13:18:06
20	Q	But you are not familiar with some 13:15:44	20	A	No. 13:18:07
21		facility of Mitsubishi up there and it has a square 13:15:45	21	Q	Did you ever visit any headquarters of 13:18:12
22		and if you look to the grid somewhere -- let me see 13:15:49	22		your competitors during this period of time? 13:18:14
23		if I can direct your attention. Right there in that 13:15:52	23	A	No. 13:18:16
24		box square to be CRT manufacturers. 13:16:00	24	Q	From 2000 until you left, did you ever 13:18:17
25		So that would be a tube manufacturing 13:16:03	25		visit any facilities in Mexico of your competitors? 13:18:21
Page 139			Page 141		
1		facility? 13:16:04	1	A	Never. 13:18:28
2	A	Yes. 13:16:05	2	Q	From 2000 until you left -- I believe it 13:18:28
3	Q	Does that refresh your recollection that 13:16:05	3		was 2014 -- did you ever visit any of the 13:18:30
4		Mitsubishi at this time had a tube manufacturing 13:16:07	4		headquarters or facilities in the U.S. of your 13:18:32
5		facility up in Canada? 13:16:09	5		competitors? 13:18:34
6	A	Yes, I believe so. 13:16:11	6	A	No. 13:18:35
7	Q	But do you know whether that would have 13:16:14	7	Q	And this is a Mitsubishi produced document 13:18:51
8		provided all the tubes for all the different sizes 13:16:16	8		to the best -- do you know where this would come out 13:18:54
9		of televisions that Mitsubishi sold at this time? 13:16:20	9		of, by any chance? 13:18:56
10	A	I don't recall. Sorry. I don't remember. 13:16:27	10		Do you recall seeing this? 13:18:57
11	Q	And then I believe you indicated at some 13:16:35	11	A	I have never seen this before. 13:18:58
12		time, Mitsubishi soon thereafter, like '96, opened a 13:16:37	12	Q	It says "Attachment 2" at the top. 13:19:01
13		plant in Mexicali, Mexico? 13:16:41	13		Would this be some financial document or 13:19:03
14	A	Maybe it was in '97. I am not sure of the 13:16:44	14		something that maybe your company produced? 13:19:06
15		exact times but it's -- it was like a final assembly 13:16:46	15		MR. FUENTES: Objection, lack of 13:19:10
16		plant. 13:16:50	16		foundation. 13:19:10
17	Q	But that would be after this MAP in '95? 13:16:51	17		BY MR. SAVERI. 13:19:12
18	A	Yes. 13:16:54	18	Q	To the best of your understanding. 13:19:12
19	Q	And that Mexicali is somewhere -- if I am 13:16:55	19	A	No. 13:19:14
20		not mistaken, that is down near Tijuana. 13:16:59	20	Q	You don't recall it? 13:19:15
21		Am I right? 13:17:02	21	A	I have never seen it. I don't recall it. 13:19:17
22	A	No. Well, it's a little bit east of 13:17:03	22	Q	But now looking at it, do you have any 13:19:19
23		Tijuana. It's across from Calexico, California. 13:17:05	23		reason to believe that any of the information in 13:19:23
24	Q	Did you ever go visit the facility down 13:17:09	24		here is inaccurate as to the locations or 13:19:25
25		there? 13:17:11	25		whereabouts of any of the facilities? 13:19:27

36 (Pages 138 - 141)

Page 142			Page 144		
1	MR. FUENTES: Objection; form, lack of	13:19:29	1	A Yes	13:22:04
2	foundation.	13:19:30	2	Q So when I refer to -- when I -- in these	13:22:04
3	THE WITNESS: I don't -- I have never been	13:19:32	3	questions, when I refer to the Thompson, I am	13:22:06
4	to any of these facilities. I wouldn't know if they	13:19:32	4	referring to Thompson in its collectively entity.	13:22:09
5	existed or not.	13:19:36	5	like Mitsubishi has Thompson SA, a French	13:22:12
6	BY MR. SAVERI:	13:19:37	6	corporation; Thompson Consumer Electronics, U.S.	13:22:16
7	Q So you have no independent knowledge of	13:19:37	7	Corporation, now known as "Technicolor."	13:22:19
8	this MAP that was produced by Mitsubishi. Is that	13:19:39	8	So when I refer to "Thompson," I am	13:22:22
9	accurate or not?	13:19:41	9	referring to its in its entirety.	13:22:25
10	Have you seen the bottom it says "source "	13:19:42	10	During the period from '95 to 2000 when	13:22:28
11	And I think --	13:19:44	11	you were at MELA, did you ever have any	13:22:31
12	A Where?	13:19:45	12	conversations with anybody at Thompson?	13:22:35
13	Q On the bottom, MECA.	13:19:45	13	A Never.	13:22:38
14	A I never heard -- I don't know who that is.	13:19:48	14	Q Did you ever have any -- run into anybody	13:22:38
15	Q MCEA, Mitsubishi entities?	13:19:50	15	at Thompson in a social setting during that period	13:22:49
16	A I don't know who that is. Sorry.	13:19:53	16	of time?	13:22:52
17	Q That's all.	13:20:01	17	A Not that I recall.	13:22:52
18	From the period of time of 1995 to 1999	13:20:12	18	Q Did it ever come to your attention that	13:23:01
19	when you were at MELA, did you ever have any	13:20:18	19	anyone on your staff had conversations with	13:23:02
20	discussion with any of the other representatives	13:20:22	20	Thompson?	13:23:05
21	from any of the other CRT manufacturers?	13:20:26	21	A Not that I recall.	13:23:06
22	A No.	13:20:29	22	Q Now, when I refer to the term "Hitachi," I	13:23:09
23	Q You never -- you never during that period	13:20:30	23	am referring to collectively Hitachi, Ltd., Hitachi	13:23:14
24	of time talked to them at any time?	13:20:33	24	Display, Limited, a Japanese company; Hitachi,	13:23:21
25	A Not that I can recall.	13:20:35	25	Limited, a U.S. company; Hitachi Asia, a Singapore	13:23:23
Page 143			Page 145		
1	Q Did you ever -- strike that.	13:20:39	1	Company; Hitachi Electronics, a U.S. company, also	13:23:26
2	Do you recall ever hearing that anyone at	13:20:43	2	referred to as HITUS, and Shenzhen SEG; Hitachi	13:23:30
3	Mitsubishi during the period of time from 1995 to	13:20:45	3	Color Display Devices, Limited, also known as	13:23:36
4	2000 when you were at MELA had discussions with	13:20:52	4	Hitachi Shenzhen, a Chinese company.	13:23:39
5	representatives of other CRT television	13:20:55	5	So when I refer to "Hitachi," I am sort of	13:23:43
6	manufacturers?	13:20:59	6	referring to Hitachi in all of its entities.	13:23:45
7	A No.	13:20:59	7	Okay?	13:23:47
8	Q Did it ever come to your attention that	13:21:00	8	A Okay	13:23:48
9	anyone on your staff, your sales staff, had	13:21:02	9	Q And during the period of time from '95 to	13:23:48
10	conversations with other CRT manufacturers --	13:21:05	10	1999 when you were at MELA, did you ever have any	13:23:52
11	A No.	13:21:08	11	communications with anybody at Hitachi?	13:23:54
12	Q -- during that time?	13:21:08	12	MR. ADELSON: Objection; compound.	13:23:59
13	A No.	13:21:11	13	THE WITNESS: No.	13:24:00
14	Q Did you ever hear of the term "glass	13:21:16	14	BY MR. SAVERI:	13:24:03
15	meeting," "glass meeting"?	13:21:18	15	Q Go ahead.	13:24:03
16	A No, I am not familiar with that. Not to	13:21:22	16	A Not that I can recall.	13:24:04
17	my best recollection, I am not familiar with -- you	13:21:25	17	Q Did it ever come to your attention during	13:24:05
18	say "glass meeting"?	13:21:29	18	this period of time, '95 to '99, that anybody on	13:24:08
19	Q "Glass meeting."	13:21:30	19	your staff had communications with representatives	13:24:13
20	A No.	13:21:32	20	of Hitachi?	13:24:17
21	Q Did you ever hear of the term "crystal	13:21:32	21	MR. ADELSON: Objection; compound.	13:24:18
22	meeting"?	13:21:34	22	THE WITNESS: Not that I can recall.	13:24:20
23	A Never.	13:21:35	23	BY MR. SAVERI:	13:24:21
24	Q So when I refer to the -- have you heard	13:21:57	24	Q You don't know one way or the other?	13:24:21
25	of a company called "Thompson"?	13:22:02	25	A No, I don't think so.	13:24:23

Page 146				Page 148			
1	Q	During the relevant period, do you ever	13:24:25	1	A	Yes.	13:26:29
2		recall during the '95 -- strike that	13:24:30	2	Q	When I refer to LG, I'm referring to LG	13:26:30
3		During the '95 to 2000 period when you	13:24:32	3		collectively and all of its entities,	13:26:33
4		were at MELA, do you ever recall running into anyone	13:24:35	4		LG Electronics, the main company in South Korea, the	13:26:35
5		from Hitachi at any events?	13:24:39	5		joint venture, LGPD, that joint venture had with	13:26:40
6	MR. ADELSON:	Objection; compound.	13:24:42	6		Phillips as well as LG Electronics USA, the U.S.	13:26:46
7	THE WITNESS:	I'm sure I did but I don't	13:24:46	7		entity.	13:26:50
8		recall who it was or what their names were.	13:24:47	8		During the '95 to 2000 period when you	13:26:51
9	BY MR. SAVERI:		13:24:49	9		were at MELA, did you ever have any conversations	13:26:55
10	Q	So during that period of time, it's more	13:24:50	10		with anybody at LG?	13:26:57
11		likely than not that you would have run into Hitachi	13:24:52	11	MS. BARCLAY-STROBEL:	Objection, vague,	13:27:01
12		people at trade associations?	13:24:56	12		compound.	13:27:02
13	A	Yes.	13:24:57	13	THE WITNESS:	I am sure that I did at	13:27:03
14	Q	Or buying group events and so forth?	13:24:57	14		trade shows.	13:27:04
15	A	Yes.	13:25:03	15	BY MR. SAVERI:		13:27:05
16	Q	Would that be the same when we were	13:25:07	16	Q	Outside of trade shows, did you ever have	13:27:05
17		talking about Thompson?	13:25:09	17		any conversations with anybody from LG?	13:27:07
18	A	It's possible, but Thompson, I don't	13:25:10	18	A	No.	13:27:11
19		recall.	13:25:12	19	Q	Did it ever come to your attention that	13:27:17
20	Q	And you understand Thompson to be the RCA	13:25:13	20		anybody on your staff had conversations with anybody	13:27:19
21		brand?	13:25:17	21		at LG during that period?	13:27:22
22	A	Yes. I'm sure that I had to run into	13:25:18	22	MS. BARCLAY-STROBEL:	Objection, compound.	13:27:24
23		somebody at RCA. I mean it was a big -- it was a	13:25:22	23	THE WITNESS:	Not that I am aware of.	13:27:27
24		brand and they were at the meetings. So I am sure I	13:25:24	24	BY MR. SAVERI:		13:27:28
25		ran into somebody but I don't recall who they were	13:25:27	25	Q	And when I refer to -- have you heard of	13:27:28

Page 147				Page 149			
1		or what their positions were.	13:25:30	1		Matsushi?	13:27:30
2	Q	So it would be the same answer that you	13:25:31	2	A	Yes.	13:27:32
3		gave to Hitachi? It was probably somebody that you	13:25:33	3	Q	And is it your understanding that	13:27:32
4		may run into at the trade association or the group	13:25:36	4		Matsushita that, for lack of a better term, morphed	13:27:34
5		buying groups but you don't specifically recall it?	13:25:38	5		into Panasonic?	13:27:37
6	A	It's very possible to say, yeah, same	13:25:40	6	A	Yes.	13:27:39
7		situation.	13:25:43	7	Q	And though now when I refer to Panasonic,	13:27:39
8	Q	Now, I'm going to ask you when I refer to	13:25:45	8		I am referring to Panasonic entities as well as all	13:27:42
9		"Irico," have you heard of a company called "Irico"?	13:25:47	9		the predecessor or Matsushita entities.	13:27:49
10	A	No.	13:25:52	10	A	Yes.	13:27:52
11	Q	That if I -- when I refer to "Irico," I am	13:25:54	11	Q	And Panasonic would be Panasonic North.	13:27:52
12		referring collectively to the Irico Group	13:25:58	12		America, Matsushita Electric Corporation as well as	13:27:53
13		Electronics, Irico displays.	13:26:01	13		the joint venture with Toshiba, NTPB.	13:27:57
14		Do you ever recall during the '95 to 2000	13:26:04	14		During the period '95 to 2000, did you	13:28:07
15		period when you were at MELA having any	13:26:07	15		ever have any conversations with anybody at	13:28:08
16		conversations with anybody from Irico?	13:26:09	16		Panasonic entities?	13:28:10
17	A	No.	13:26:11	17	A	Yes, at trade shows.	13:28:12
18	Q	Do you recall ever running into anybody at	13:26:12	18	Q	Besides trade shows, did you ever have any	13:28:13
19		Irico during that time period at any trade	13:26:14	19		conversations with anybody from Panasonic during	13:28:15
20		associations?	13:26:17	20		that period of time?	13:28:16
21	A	No, I never heard of the company.	13:26:18	21	A	No.	13:28:17
22	Q	Did you ever hear of anybody on your staff	13:26:21	22	Q	Phillips, have you heard of Phillips?	13:28:21
23		running into anybody from Irico?	13:26:23	23	A	Yes.	13:28:23
24	A	No.	13:26:25	24	Q	And when you talk about Phillips, I am	13:28:23
25	Q	Have you heard of LG?	13:26:28	25		talking about also all of its entities, the Phillips	13:28:25

38 (Pages 146 - 149)

Page 150			Page 152		
1	Royal Dutch Phillips, the joint venture with LG.	13:28:28	1	Q Have you heard of Toshiba?	13:30:21
2	LPGD, LG Phillips and its various entities, Phillips	13:28:31	2	A Yes.	13:30:24
3	Electronics North America. So any of the Phillips	13:28:38	3	Q When I refer to Toshiba, I'm referring to	13:30:26
4	entities.	13:28:42	4	all of its entities, the American entity, the	13:30:28
5	Did you ever have any conversations during	13:28:43	5	Japanese entities and any of its entities.	13:30:31
6	the period of sometime from '95 to 2000 when you	13:28:45	6	During the period of time from '95 to 2000	13:30:33
7	were at MELA with anybody from Phillips?	13:28:48	7	when you were at MELA, did you ever talk to	13:30:35
8	A Not outside --	13:28:51	8	anybody -- have any conversations or communications	13:30:37
9	MS. GELOTT: Objection to form.	13:28:54	9	with anybody at Toshiba?	13:30:40
10	THE WITNESS: Not outside of trade shows.	13:28:54	10	A Yes.	13:30:43
11	BY MR. SAVERI:	13:28:56	11	MR. BLACK: Objection.	13:30:44
12	Q So besides trade shows, did you ever have	13:28:56	12	THE WITNESS: Yes, at trade shows.	13:30:45
13	conversations with anybody during that period of	13:28:58	13	BY MR. SAVERI:	13:30:46
14	time?	13:29:00	14	Q Outside of trade shows?	13:30:46
15	A No.	13:29:01	15	A No.	13:30:48
16	Q No.	13:29:01	16	Q But at trade shows, you would have run	13:30:50
17	Did it ever come to your attention that	13:29:02	17	into Toshiba people?	13:30:52
18	anybody on your staff or in MELA had conversations	13:29:03	18	A Yes.	13:30:53
19	with people at Phillips?	13:29:07	19	Q And now did it ever come to your attention	13:30:54
20	A No.	13:29:09	20	that anybody at MELA had conversations with	13:30:56
21	MS. GELOTT: Objection to form.	13:29:09	21	individuals at Toshiba during the '95 to 2000 period	13:31:03
22	BY MR. SAVERI:	13:29:13	22	when you were at MELA?	13:31:07
23	Q And then you have heard of Samsung.	13:29:13	23	A No.	13:31:08
24	A Yes.	13:29:17	24	MR. BLACK: Objection.	13:31:08
25	Q When I say "Samsung," I am talking	13:29:17	25		
Page 151			Page 153		
1	about -- let's break it down -- Samsung SDI.	13:29:21	1	BY MR. SAVERI:	13:31:11
2	Have you heard of that company?	13:29:28	2	Q Have you heard of a company called	13:31:11
3	A Yes.	13:29:29	3	"Orion"?	13:31:13
4	MR. CASERIA: Objection to form.	13:29:32	4	A Yes.	13:31:15
5	BY MR. SAVERI:	13:29:33	5	Q And when I am referring to Orion, I am	13:31:17
6	Q And when you -- and Samsung SDI and all of	13:29:33	6	referring to the Korean CRT manufacturer.	13:31:27
7	its entities, Samsung Display Device, which is in	13:29:36	7	A I didn't even know they were Korean.	13:31:30
8	Korea, SDI America; SDI Mexico, or any of the SDI	13:29:40	8	Q But you have heard of the company Orion?	13:31:33
9	entities, did you ever have any conversations with	13:29:45	9	A Yes.	13:31:35
10	anybody during '95 to 2000 at SDI?	13:29:47	10	Q And Orion Electric Company, have you heard	13:31:36
11	MR. CASERIA: Object to form.	13:29:52	11	of Orion Electric Company?	13:31:38
12	THE WITNESS: No.	13:29:53	12	A I have heard of Orion.	13:31:40
13	BY MR. SAVERI:	13:29:54	13	Q Just generally Orion?	13:31:42
14	Q Did you ever run into them at trade shows?	13:29:56	14	A Correct.	13:31:43
15	A Yes.	13:29:58	15	Q During the period of time from '95 to	13:31:44
16	Q So outside of trade shows, do you ever	13:29:58	16	2000, did you ever have any conversations with	13:31:45
17	recall talking to anybody at Samsung SDI?	13:30:01	17	anybody from Orion?	13:31:48
18	A No.	13:30:05	18	A No.	13:31:49
19	Q Did it ever come to your attention that	13:30:06	19	Q Did it ever come to your attention that	13:31:52
20	anybody at MELA had conversations with individuals	13:30:08	20	anybody on your staff had conversations with people	13:31:54
21	at Samsung SDI?	13:30:13	21	from Orion during the '95 to 2000 period?	13:31:56
22	A No.	13:30:15	22	A No.	13:32:00
23	Q Have you ever heard of a company called	13:30:17	23	Q Have you ever heard of a company called	13:32:05
24	Tai CRT?	13:30:18	24	"Chungwa"?	13:32:06
25	A No.	13:30:20	25	A No.	13:32:08

39 (Pages 150 - 153)

Page 154				Page 156			
1	Q	Chungwa Picture Tubes?	13:32:08	1	BY MR. SAVERI:		13:34:09
2	A	No.	13:32:10	2	Q	And will you explain to me what would	13:34:10
3	Q	Do you ever recall meeting anybody from	13:32:11	3		occur at a booth at the Consumer Electronics Show.	13:34:15
4		Chungwa Picture Tubes?	13:32:20	4	A	And again, let me preface my answer on the	13:34:19
5	A	No.	13:32:21	5		fact I am not sure we were on the floor in that time	13:34:22
6	Q	Let's talk a little bit about the trade	13:32:30	6		period.	13:34:26
7		association.	13:32:32	7	Q	Generally speaking.	13:34:26
8		You have indicated that you would run into.	13:32:32	8	A	You just meet with customers, with --	13:34:27
9		executives from various of these companies at trade	13:32:34	9		prospective customers would come by your booth and	13:34:28
10		associations, is that correct?	13:32:36	10		look at the product and you would discuss the	13:34:32
11	A	Yes.	13:32:38	11		product, the features, the advantages of the product	13:34:35
12	Q	Does Mitsubishi belong to any trade	13:32:38	12		and --	13:34:38
13		associations -- strike that, strike that.	13:32:43	13	Q	But I'm sorry, are you done?	13:34:41
14		From '95 to the 2000 when you were at	13:32:45	14	A	That's basically it.	13:34:43
15		MELA, was MELA a member of any trade associations?	13:32:48	15	Q	But could you describe physically the	13:34:44
16	A	The only one I can think of is Consumer	13:32:52	16		booth.	13:34:46
17		Electronics Association, CEA.	13:32:55	17		Would it be a big area that you would then	13:34:46
18	Q	The CEA	13:32:58	18		have different demonstrations or would it vary year	13:34:48
19		And the CEA holds a big convention once a	13:32:59	19		to year or what have you?	13:34:51
20		year called "The Consumer Electronics Show"; is that	13:33:05	20	A	Well, it would vary year to year.	13:34:54
21		correct?	13:33:07	21		However, Mitsubishi Electric or MELA never had a big	13:34:56
22	A	Correct.	13:33:07	22		booth. It was too expensive. So if we had	13:35:01
23	Q	And did you attend every -- did you attend	13:33:09	23		something, it was relatively small.	13:35:04
24		during the period of '95 to 2000 the Consumer	13:33:13	24	Q	But would Mitsubishi MELCO have a booth?	13:35:06
25		Electronics Show in Las Vegas?	13:33:17	25	A	I don't recall if they did at that time	13:35:09

Page 155				Page 157			
1	A	Yes.	13:33:20	1		I think not.	13:35:10
2	Q	Do you think you missed any one during	13:33:21	2	Q	And if MELA didn't have a booth, would	13:35:11
3		that period of time?	13:33:24	3		there be any Mitsubishi booth there?	13:35:15
4	A	I am sorry?	13:33:25	4	A	Not that I can think of.	13:35:17
5	Q	Let me restate the question.	13:33:26	5	Q	And did Mitsubishi -- and who else	13:35:19
6		Did you attend each year from '95 to 2000	13:33:27	6		attended from MELA during this '95 to 2000 period?	13:35:29
7		the Consumer Electronics Show in Las Vegas?	13:33:30	7	A	The president would attend. Certain	13:35:38
8	A	Yes.	13:33:34	8		members of the sales team. It depended upon whether	13:35:46
9	Q	And does Mitsubishi have a booth at the	13:33:35	9		or not they had a customer there. It was contingent	13:35:48
10		Consumer Electronics Show during this period of	13:33:38	10		upon whether or not one of their important customers	13:35:52
11		time? Let's just focus on that period of time, if	13:33:42	11		was there. They may come up to meet with that	13:35:54
12		you recall	13:33:44	12		customer and myself.	13:35:59
13	MR. FUENTES:	Object to the form.	13:33:45	13	Q	Did any executives from MELCO attend	13:36:03
14	THE WITNESS:	Some years, we had a booth;	13:33:47	14		during this '95 to 2000 period?	13:36:08
15		some years, we decided not to. So I'm not	13:33:48	15	A	Not that I recall. I don't know. I don't	13:36:10
16		sure which years we had a booth or which years we	13:33:53	16		remember.	13:36:12
17		did not. I don't recall.	13:33:56	17	Q	And who -- would Mitsubishi have a	13:36:13
18	BY MR. SAVERI:		13:33:57	18		hospitality booth?	13:36:17
19	Q	Just for the record, when I say "a booth,"	13:33:57	19	MR. FUENTES:	Object to the form.	13:36:19
20		that would be an area on the floor that would	13:34:00	20	BY MR. SAVERI:		13:36:20
21		demonstrate Mitsubishi products and would be	13:34:02	21	Q	During this period of time?	13:36:20
22		attended by Mitsubishi employees, correct?	13:34:04	22	A	We would have a -- we would have like a	13:36:22
23	MR. FUENTES:	Object to the form.	13:34:08	23		hospitality suite, possibly, where a meeting or two	13:36:29
24	THE WITNESS:	Correct.	13:34:09	24		would take place but not a -- not a big hospitality	13:36:34
25				25		booth, per se.	13:36:40

40 (Pages 154 - 157)

Page 158			Page 160		
1	Q So in the -- in the hotel there where the	13:36:41	1	with -- that you would run into Toshiba people, is	13:39:34
2	convention was going on, you would rent out a suite	13:36:51	2	that correct?	13:39:36
3	to have a hospitality event, a meeting with various	13:36:54	3	A From time to time,	13:39:38
4	individuals?	13:36:57	4	Q And you would run into Samsung people, is	13:39:38
5	A No, it would be off site. So it may be at	13:36:57	5	that correct?	13:39:41
6	a hotel. It's not necessarily a part of the	13:37:00	6	MR. CASERIA: Object to form	13:39:46
7	convention center. The convention center is one	13:37:05	7	THE WITNESS: I don't recall Samsung	13:39:47
8	thing and we may have a meeting room or a suite off	13:37:07	8	people.	13:39:48
9	site to meet with large customers who didn't really	13:37:10	9	BY MR. SAVERI:	13:39:48
10	want to be walking around on the floor because	13:37:14	10	Q Would you have run into LG people?	13:39:48
11	they're just constantly bothered by people who want	13:37:16	11	A I don't recall LG people at that time,	13:39:50
12	to sell them something. So they may want to meet	13:37:20	12	Q Would you run into Panasonic people?	13:39:53
13	more in a private environment. So we would have	13:37:23	13	A Possibly,	13:39:57
14	something off site to do that.	13:37:26	14	Q And who at Panasonic would you run into?	13:40:01
15	Q So the convention center had the show but	13:37:26	15	Do you recall?	13:40:04
16	then your hospitality booth would be in one of the	13:37:31	16	A I don't recall any specific individual.	13:40:05
17	hotels?	13:37:34	17	Q Do you recall any Phillips people?	13:40:13
18	A Correct.	13:37:35	18	A No, no, I do not.	13:40:16
19	Q And during this period of time, do you	13:37:39	19	Q If executives from MELCO attended, would	13:40:26
20	ever recall any sales -- or strike that.	13:37:43	20	they meet with you at the Consumer Electronics Show?	13:40:32
21	During this period of time from '95 to	13:37:49	21	A Possibly not. I don't recall any specific	13:40:37
22	2000, do you recall any of your competitors	13:37:51	22	meetings, but if they did come in, they may come in	13:40:39
23	attending your hospitality suite?	13:37:54	23	just to take a look at the show and leave.	13:40:43
24	A Not that I recall. Not while I was there.	13:37:58	24	Q So from this '95 to 2000 period, besides	13:40:59
25	Q Do you ever recall going to any of your	13:38:01	25	these casual run-ins with other sales executives,	13:41:02
Page 159			Page 161		
1	competitors' hospitality suites during this period	13:38:04	1	you don't remember any dinners or cocktails with any	13:41:07
2	of time?	13:38:10	2	executives from any of these other television --	13:41:12
3	A I don't recall going to any competitors'	13:38:11	3	A No, I do not recall -- I do not recall	13:41:16
4	suites.	13:38:13	4	any.	13:41:19
5	Q Would agendas be created for the time of	13:38:21	5	Q Did you ever attend the Computex Trade	13:41:20
6	the CES?	13:38:26	6	Association in Taipei?	13:41:26
7	A The only agendas that would be created	13:38:29	7	A No.	13:41:28
8	that I am familiar with would be the meetings with	13:38:31	8	Q Did you ever attend the Cebit Trade	13:41:28
9	the customers. That would be the agenda.	13:38:33	9	Association in Germany?	13:41:32
10	Q And who would prepare the agenda?	13:38:39	10	A No.	13:41:33
11	A The different account executives would set	13:38:41	11	Q Did you ever go to COMDEX?	13:41:34
12	up meetings with their customers who would attend	13:38:44	12	A No.	13:41:37
13	and then we would just formalize one single agenda	13:38:48	13	Q Did you ever attend the IFA association in	13:41:40
14	that plugged all the meetings in.	13:38:55	14	Berlin?	13:41:44
15	Q Now, during this period of time from --	13:39:00	15	A Yes.	13:41:45
16	let's just concentrate on the CES, the Computer	13:39:01	16	Q And when did you attend that?	13:41:45
17	Electronics Show in Las Vegas.	13:39:06	17	A I am thinking around 2000 or 2001, in that	13:41:47
18	From '95 to 2000, you indicated that you	13:39:09	18	time period. I am not sure.	13:41:53
19	would run into Toshiba sales people there, is that	13:39:14	19	Q And what was the purpose of the trip to	13:41:59
20	correct?	13:39:20	20	IFA?	13:42:01
21	A Well, more than just Toshiba. There would	13:39:21	21	A To see what the -- see what the European	13:42:02
22	be others, just in passing in the hall, possibly.	13:39:23	22	design looked like, cosmetic design looked like.	13:42:08
23	Nothing, no formal meetings, no formal dinners or	13:39:26	23	Q And did Mitsubishi have a booth there at	13:42:16
24	lunches or anything like that.	13:39:31	24	the IFA?	13:42:18
25	Q Well, but you indicated that you met	13:39:32	25	A I don't recall. I don't think so.	13:42:20

41 (Pages 158 - 161)

Page 162				Page 164			
1	Q	Did they have a hospitality suite there?	13:42:21	1	handed you what has been designated Exhibit 8306.		13:45:04
2	A	No	13:42:23	2	It bears the basis number ME00140433 through 140437.		13:45:07
3	Q	Do you recall meeting with any individuals	13:42:24	3	Can you take a minute and let me know when		13:45:20
4		from any of the other television manufacturers?	13:42:28	4	you are ready		13:45:24
5	A	No	13:42:31	5	A Okay		13:45:30
6	Q	Did you ever attend CEATEC, C-E-A-T-A-C,	13:42:35	6	Q If you could start on second page, which		13:45:31
7		in Tokyo?	13:42:41	7	is 140434		13:45:36
8	A	Unless that's a -- unless that's the	13:42:45	8	Do you see the "from" line up there?		13:45:40
9		J-Tec, if it's one in the same as J-Tec.	13:42:47	9	A Yes.		13:45:46
10	Q	It could be	13:42:52	10	Q And there is the "Wasinger, Max" next to		13:45:46
11	A	Then I did attend that if it is the	13:42:53	11	that.		13:45:52
12		Japanese Consumer Electronics Show.	13:42:55	12	Is that you, sir?		13:45:52
13	Q	J-Tac?	13:42:57	13	A Yes.		13:45:53
14	A	J-Tec, J-Tec, or we called it, you know,	13:42:59	14	Q And you see the date, June 22, 2006?		13:45:54
15		Japanese consumer -- JCES, but it may be CEATEC.	13:43:01	15	A Yes.		13:45:56
16	Q	And how many times did you go to the J-Tec	13:43:07	16	Q Would that indicate to you that this is an		13:45:56
17		or JCES?	13:43:09	17	E-mail you sent on or about June 22, 2006?		13:45:58
18	A	During what time period is this?	13:43:11	18	A Yes.		13:46:06
19	Q	From '95 forward until you left.	13:43:12	19	Q And did you write this in your duties and		13:46:06
20	A	I don't recall.	13:43:20	20	responsibilities at Mitsubishi at the time?		13:46:08
21	Q	Once a year?	13:43:22	21	A Yes.		13:46:12
22	A	Yes, once a year, but I don't know that we	13:43:23	22	Q And would this have been maintained in the		13:46:12
23		went every year in that time period.	13:43:25	23	ordinary course of business on your servers at		13:46:16
24	Q	Do you recall going at all in the '95 to	13:43:30	24	Mitsubishi?		13:46:18
25		2000 period?	13:43:32	25	MR. FUENTES: Objection, foundation		13:46:19

Page 163				Page 165			
1	A	I believe I did	13:43:33	1	THE WITNESS Yes, should be		13:46:22
2	Q	And did Mitsubishi have a booth there?	13:43:35	2	BY MR. SAVERI.		13:46:23
3	A	Yes.	13:43:37	3	Q And then you see below, it says, "Thanks"		13:46:24
4	Q	And did you meet with any of the MELCO	13:43:38	4	and signed "Max" on the next page?		13:46:28
5		executives when you went over?	13:43:41	5	A Okay.		13:46:31
6	A	I am sure I met them. I didn't meet with	13:43:42	6	Q And it says, "Subject: Meeting with		13:46:34
7		them -- discuss anything in particular, just a	13:43:45	7	Mr. Kurisaka "		13:46:37
8		casual meeting	13:43:47	8	Do you see that?		13:46:41
9	Q	Do you recall talking to any individuals	13:43:49	9	A Yes.		13:46:41
10		from any of the other television manufacturers	13:43:51	10	Q And who is Mr. -- excuse me -- Kurisaka?		13:46:42
11		there?	13:43:54	11	A Kurisaka, I don't recall his exact job		13:46:49
12	A	No.	13:43:55	12	title. I know he was from Japan side, I believe,		13:46:56
13	Q	You don't recall running into any of them?	13:43:56	13	but I don't recall his exact job title.		13:46:59
14	A	No.	13:43:58	14	Q And if we can, Ken Kadis.		13:47:02
15	Q	Did you -- did you socialize with any of	13:43:59	15	Do you see the "to" line?		13:47:05
16		them?	13:44:01	16	A Yes.		13:47:06
17	A	No.	13:44:02	17	Q And who is Mr. Kadis?		13:47:07
18	Q	Did you go play golf or go out with any of	13:44:02	18	A He was a regional vice president.		13:47:09
19		them?	13:44:05	19	Q For what division or product?		13:47:17
20	A	No.	13:44:06	20	A East -- east coast.		13:47:18
21		(Plaintiff's Exhibit 8306 was marked for	13:44:06	21	Q And Matt Pugel?		13:47:21
22		identification by the court reporter and	13:44:06	22	A Yes.		13:47:22
23		is attached hereto.)	13:44:06	23	Q And who is Matt?		13:47:23
24	BY MR. SAVERI:		13:44:06	24	A West Coast Regional VP.		13:47:24
25	Q	Mr. Wasinger, the court reporter has now	13:45:03	25	Q And Gary Watkins?		13:47:27

42 (Pages 162 - 165)

Page 166				Page 168			
1	A	Central Region Regional VP.	13:47:28	1	Q	Did you ever share any market information	13:49:56
2	Q	So these would all be salespeople that	13:47:32	2		with any of your competitors?	13:50:00
3		reported to you?	13:47:34	3	A	Never.	13:50:03
4	A	That's correct.	13:47:35	4	Q	Did it ever come to your attention that	13:50:04
5	Q	And then there is a CC line, Dave Alhart?	13:47:35	5		any of your sales staff were exchanging market	13:50:06
6	A	Yes.	13:47:39	6		information?	13:50:09
7	Q	Who is Mr. Alhart?	13:47:39	7	A	Absolutely not.	13:50:09
8	A	Business planning.	13:47:41	8	Q	If you turn to 140436. That is blank but	13:50:15
9	Q	And Frank DeMartin?	13:47:42	9		the next page is the document.	13:50:24
10	A	Marketing.	13:47:45	10		Do you see up in the top right, it says	13:50:29
11	Q	And Susumu Oshibe?	13:47:47	11		"6/16/2006," next page, yes?	13:50:30
12	A	Business planning.	13:47:50	12	A	Yes.	13:50:40
13	Q	I guess she goes by "Sam"?	13:47:53	13	Q	Can you -- can you, please, describe to me	13:50:40
14	A	Yes.	13:47:55	14		what this is.	13:50:43
15	Q	Mike Stapleton?	13:47:55	15	A	It's a document that has Mitsubishi	13:50:45
16	A	At that time, he had moved over -- he was	13:47:57	16		product and then competitive brands that are similar	13:50:49
17		in charge of the logistics.	13:47:59	17		product to Mitsubishi product and the MAP pricing of	13:50:55
18	Q	And where -- where would he have been at	13:48:05	18		that product, I believe it's MAP pricing of that	13:51:06
19		this time? In Georgia? No.	13:48:08	19		product as it relates to Mitsubishi.	13:51:09
20	A	Yeah, I believe in Georgia. Yes, he	13:48:11	20	Q	So this is a chart?	13:51:13
21		commuted at this time back and forth between Georgia	13:48:14	21	A	Yes.	13:51:15
22		and the west coast	13:48:17	22	Q	So on the left, it has size 37 to 39. I	13:51:16
23	Q	And when did Mike Stapleton leave the	13:48:20	23		assume that is the size of the televisions.	13:51:20
24		company?	13:48:23	24	A	Yes.	13:51:22
25		Do you recall?	13:48:23	25	Q	Running down all the way to over 60, is	13:51:23


Page 167				Page 169			
1	A	I thought -- I think around 2010, in that	13:48:24	1		that correct?	13:51:26
2		time period.	13:48:27	2	A	Yes.	13:51:26
3	Q	Do you know the reason for his leaving?	13:48:30	3	Q	And then it has the -- on the top, it had	13:51:28
4	A	Retired.	13:48:32	4		key feature, HD-PDP	13:51:33
5	Q	And Glen Yamashita?	13:48:33	5		Is that plasma?	13:51:37
6	A	He was in charge of consumer relations.	13:48:37	6	A	Yes.	13:51:37
7	Q	And all of these people would have been at	13:48:41	7	Q	And then HD-LCD, liquid crystal displays?	13:51:38
8		the -- would that be MDEA?	13:48:44	8	A	Yes.	13:51:42
9	A	Yes.	13:48:51	9	Q	And then 1080P LCD, that is the high	13:51:43
10	Q	And then line three, it says,	13:48:55	10		resolution LCD?	13:51:48
11		"Analysis dealer/consumer/competitor	13:49:11	11	A	Correct.	13:51:51
12		feedback by market."	13:49:19	12	Q	And then the chart would be trying to	13:51:51
13		What is your understanding of that, sir?	13:49:20	13		compare the Mitsubishi product to its competitor	13:51:53
14	A	Just looking for exactly what it says.	13:49:22	14		products in the same category	13:51:56
15	Q	And how would you get competitor feedback?	13:49:25	15		Is that it?	13:51:58
16	A	You would have to reach out to the dealers	13:49:28	16	A	Yes.	13:51:59
17		and also -- yeah, the dealers and industry --	13:49:31	17	Q	And the -- for example, under Hitachi LCD,	13:52:00
18		industry journals, you know, informational reports.	13:49:34	18		it would have Hitachi November 2699.	13:52:08
19	Q	Did you ever ask any of your salespeople	13:49:39	19		Would that mean the MAP pricing would be	13:52:16
20		to contact competitors to get feedback?	13:49:41	20		in effect in November?	13:52:18
21	A	No, ever.	13:49:45	21	A	That is what I would think it would mean	13:52:20
22	Q	Did it ever come to your attention that	13:49:46	22	Q	And the same thing October.	13:52:22
23		any of your salespeople were contacting competitors	13:49:48	23		So that would be pricing for October?	13:52:24
24		to get feedback?	13:49:51	24	A	Correct.	13:52:27
25	A	No.	13:49:52	25	Q	And what is your understanding of --	13:52:28

Page 170			Page 172		
1	understanding of where your staff would have gotten	13:52:32	1	product?	13:54:37
2	that type of information?	13:52:34	2	MR. FUENTES: Object to the form.	13:54:38
3	A Probably would have been fed to them by a	13:52:36	3	THE WITNESS: Based on the request from --	13:54:40
4	retailer, a customer, of ours.	13:52:39	4	yes. To answer your question, yes.	13:54:44
5	Q Did you -- go ahead. I'm sorry.	13:52:42	5	MR. SAVERI: That's all I have. Thank	13:54:55
6	A Finished.	13:52:46	6	you.	13:54:58
7	Q Did you ever ask your staff to go out and	13:52:46	7	MR. MURRAY: I have a couple, just a few	13:55:02
8	get information regarding competitors' feature	13:52:48	8	questions.	13:55:04
9	pricing?	13:52:52	9		13:55:04
10	A I am sure from time to time, but I don't	13:52:53	10	EXAMINATION	13:55:04
11	recall any specific example of that, but this is an	13:52:55	11	BY MR. MURRAY:	13:55:25
12	example of when I had -- when I did go out and ask	13:52:59	12	Q We on the record.	13:55:38
13	for the information, as it indicates on the prior	13:53:01	13	Good afternoon, Mr. Wasinger. My name is	13:55:39
14	page.	13:53:03	14	Kevin Murray. I represent Sears and K-Mart.	13:55:40
15	Q But you -- you -- but this type of	13:53:04	15	During the time period we have been	13:55:44
16	activity would have occurred in the '95 to 2000	13:53:08	16	talking about, 1995 to 2000 when you were at MELA as	13:55:46
17	period.	13:53:11	17	the Western Region Vice President, did you ever sell	13:55:52
18	You would have asked the sales staff to go	13:53:11	18	to Sears? And I'm talking about CRT products.	13:55:55
19	out and get information regarding competitive	13:53:14	19	A I believe we did	13:56:00
20	pricing, right?	13:53:15	20	Q But did you personally or are you talking	13:56:01
21	MR. FUENTES: Object to the form.	13:53:17	21	on behalf of the company?	13:56:04
22	THE WITNESS: I don't recall doing that.	13:53:22	22	A I was in on the sales meetings, to answer	13:56:08
23	BY MR. SAVERI:	13:53:23	23	your question. Not all of them because I had a	13:56:11
24	Q But clearly, by 2006, you were asking your	13:53:23	24	person assigned on that account, but I was in some	13:56:13
25	staff to get the information on future competitive	13:53:26	25	of the sales meetings, yes	13:56:16
Page 171			Page 173		
1	pricing, correct?	13:53:28	1	Q Would Sears have been a national account?	13:56:18
2	MR. FUENTES: Object to the form.	13:53:28	2	A Yes.	13:56:19
3	THE WITNESS: Yes.	13:53:29	3	Q And how would that have worked when you	13:56:20
4	BY MR. SAVERI:	13:53:30	4	divide the country up into east and west and you	13:56:23
5	Q And the last page here -- it's "6/3/2006"	13:53:36	5	have a company that does business in both halves of	13:56:25
6	up in the upper right-hand corner.	13:53:43	6	the country?	13:56:29
7	Do you see that?	13:53:45	7	A I just --	13:56:30
8	A Yes.	13:53:46	8	MR. FUENTES: Object to the form.	13:56:31
9	Q Same type of chart as the previous one?	13:53:46	9	THE WITNESS: I just assigned it to an	13:56:32
10	A Yes.	13:53:48	10	individual who was either geographically in that	13:56:34
11	Q So on size, it has under 49, 50 to 54, but	13:53:49	11	area who was capable of handling that type of	13:56:37
12	it seems to be slightly different products; is that	13:54:01	12	account even though they had, you know,	13:56:40
13	correct?	13:54:04	13	responsibility for other parts of the country.	13:56:42
14	A Yes.	13:54:05	14	BY MR. MURRAY:	13:56:44
15	Q MD HDTV?	13:54:07	15	Q Now, Sears is based in Chicago.	13:56:45
16	A Micro display.	13:54:10	16	Would that have been your area or would	13:56:47
17	Q Micro display, that would be a rear	13:54:12	17	that have been someone from the east?	13:56:49
18	projection?	13:54:13	18	A I had responsibility for that area, as	13:56:50
19	A Yes.	13:54:14	19	well.	13:56:51
20	Q And then CRT HDTV, that would be a cathode	13:54:14	20	Q For the Chicago area?	13:56:52
21	ray tube model?	13:54:20	21	A Yes.	13:56:53
22	A Yes.	13:54:21	22	Q And did you ever have any dealings with	13:56:54
23	Q And this is the same, that you would have	13:54:29	23	K-Mart --	13:56:57
24	asked your staff to go out and get information	13:54:31	24	A No.	13:56:58
25	regarding the future pricing of your competitors'	13:54:34	25	Q -- during that time period?	13:56:58

44 (Pages 170 - 173)

Page 174			Page 176		
1	A	No. 13:57:01	1	Q	Anyone else? 13:59:03
2	Q	K-Mart was based in Michigan. 13:57:03	2	A	Jim -- I can't think of his last name. 13:59:05
3		Would that have been the eastern region? 13:57:04	3	Jim -- I am sorry. I can't recall his name right 13:59:11	
4	A	Again, under my responsibility at that 13:57:09	4	now. 13:59:13	
5	time	13:57:10	5	Q	Do you recall what time period you dealt 13:59:15
6	Q	Pardon me? 13:57:11	6	with Mr. Bacon? 13:59:17	
7	A	Still was my responsibility at that time. 13:57:11	7	A	No, I don't recall the exact time period. 13:59:19
8	Q	Michigan was under your responsibility? 13:57:13	8	Q	And the other individual named Jim, do you 13:59:22
9	A	Yes. 13:57:15	9	recall what time period? 13:59:24	
10	Q	Even though it's east of the Mississippi? 13:57:15	10	A	No. About the same time period. 13:59:27
11	A	Are you talking in '95 to 2000? 13:57:18	11	Q	When you say "the same time period," what 13:59:30
12	Q	Right. 13:57:20	12	is that? The '98? 13:59:31	
13	A	I had national responsibility during 13:57:21	13	A	Probably later, later -- later in that 13:59:34
14	that -- actually, I think '96, I took national 13:57:23		14	cycle, closer to 2000. 13:59:37	
15	responsibility. So '95 stands by itself. And '96 13:57:26		15	Q	Would that have been with CRT products? 13:59:41
16	on, I had national responsibility. 13:57:28		16	A	Yes. 13:59:45
17	Q	Do you recall who you assigned on your 13:57:30	17	Q	Where would those meetings have taken 13:59:51
18	team to Sears? 13:57:33		18	place? 13:59:53	
19	A	I don't recall. I'm sorry. I would have 13:57:38	19	A	In Schaumburg, Illinois. 13:59:55
20	to think about that a little bit. 13:57:40		20	Q	What was in Schaumburg? 13:59:59
21	Q	Do you recall who on your team you 13:57:42	21	A	Sears corporate headquarters at that time. 14:00:02
22	assigned to K-Mart? 13:57:44		22	I think it was. 14:00:04	
23	A	We didn't sell to K-Mart. We really. 13:57:45	23	Q	Do you ever recall going out to Hoffman 14:00:06
24	weren't interested in K-Mart. The reason is, we 13:57:53		24	Estates? 14:00:08	
25	were an upscale brand. K-Mart didn't fit our 13:57:55		25	A	Well, Schaumburg 14:00:09
Page 175			Page 177		
1	profile for a dealer. 13:57:59		1	Q	Hoffman Estates? 14:00:11
2	Q	Do you recall any meetings you attended 13:58:01	2	A	Hoffman Estates. Sorry about that. 14:00:13
3	with representatives of Sears? 13:58:02		3	Q	What other national accounts did you deal 14:00:16
4	A	Do I recall? 13:58:05	4	with during the '95 to 2000 time period? 14:00:18	
5	Q	Recall any meetings you attended with 13:58:05	5	A	I think Sears was about the only one. We 14:00:22
6	representative of Sears during this time period. 13:58:08		6	did open Best Buy but I am not sure exactly when 14:00:24	
7	A	I can't recall anyone -- any specific 13:58:11	7	that occurred. That would have been closer to 2000 14:00:28	
8	person off the top of my head. Again, I would have 13:58:13		8	or maybe a little bit after 2000, we opened 14:00:30	
9	to think about it a little bit, but I don't recall 13:58:17		9	Best Buy, but Sears was the only national account 14:00:34	
10	anyone at Sears that I met with. 13:58:20		10	that we did business with 14:00:37	
11	Q	Let's just be clear. 13:58:22	11	Q	Well, thank you very much. I don't have 14:00:41
12	You don't recall who on your team you 13:58:23		12	any further questions. 14:00:43	
13	assigned to Sears, is that correct? 13:58:25		13	A	Thank you. 14:00:44
14	A	I can't recall. I can't recall at this 13:58:33	14	MR. SAVERI: I think that is it. 14:00:52	
15	time 13:58:34		15	MR. FUENTES: I have a question or two for 14:00:54	
16	Q	And do you recall -- and you can't recall 13:58:35	16	you, Mr. Wasinger. 14:00:55	
17	any of the individuals at Sears that you dealt with? 13:58:37		17	THE WITNESS: Okay. 14:01:01	
18	A	During that time period, I don't recall 13:58:41	18	14:01:01	
19	who I -- who it would have been. 13:58:42		19	EXAMINATION 14:01:01	
20	Q	Do you recall in other time periods people 13:58:46	20	BY MR. FUENTES. 14:01:01	
21	at Sears you dealt with? 13:58:48		21	Q	A moment ago, Mr. Saveri asked you whether 14:01:04
22	A	I am trying to think who would have been 13:58:53	22	clearly by 2006 you were asking your staff to obtain 14:01:10	
23	back then. Bacon, guy by the name of Bacon. 13:58:55		23	or try to obtain future competitive pricing 14:01:14	
24	Q	Chuck Bacon? 13:58:59	24	information. 14:01:18	
25	A	Chuck Bacon. 13:59:01	25	Do you remember that question? 14:01:21	

45 (Pages 174 - 177)

<p style="text-align: right;">Page 178</p> <p>1 A Yes. 14:01:23</p> <p>2 Q And your answer to that question was yes. 14:01:25</p> <p>3 Do you remember that? 14:01:27</p> <p>4 A Yes. 14:01:28</p> <p>5 Q Did you ever instruct any of your staff 14:01:29</p> <p>6 members to go out and speak to a competitor to learn 14:01:33</p> <p>7 about its pricing information, past, present or 14:01:37</p> <p>8 future? 14:01:40</p> <p>9 A Never. That was absolutely a no-no. 14:01:40</p> <p>10 We -- at every national sales meeting, we had a 14:01:44</p> <p>11 meeting with our legal counsel and we had coined a 14:01:49</p> <p>12 phrase, "I am not authorized to discuss that 14:01:52</p> <p>13 subject." 14:01:54</p> <p>14 MR. FUENTES: No further questions. Okay. 14:01:55</p> <p>15 Off the record. 14:02:03</p> <p>16 THE VIDEOGRAPHER: Off the record at 14:02:04</p> <p>17 2:02 p.m. 14:02:04</p> <p>18 (The deposition was concluded at</p> <p>19 2:02 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 180</p> <p>1 STATE OF _____)</p> <p>2) Ss.</p> <p>3 COUNTY OF _____)</p> <p>4 I, DARYL BAUCUM, a Certified Shorthand</p> <p>5 Reporter of the State of California, do hereby</p> <p>6 certify;</p> <p>7 That the foregoing proceedings were taken</p> <p>8 before me at the time and place herein set forth,</p> <p>9 at which time the witness named in the foregoing</p> <p>10 proceeding was placed under oath; that a record</p> <p>11 of the proceedings was made by me using machine</p> <p>12 shorthand which was thereafter transcribed under my</p> <p>13 direction; and that the foregoing pages contain a</p> <p>14 full, true and accurate record of all proceedings</p> <p>15 and testimony to the best of my skill and ability.</p> <p>16 I further certify that I am neither</p> <p>17 financially interested in the outcome nor a relative</p> <p>18 or employee of any attorney or any party to this</p> <p>19 action.</p> <p>20 IN WITNESS WHEREOF, I have subscribed my</p> <p>21 name this 27th day of July, 2015.</p> <p>22</p> <p>23</p> <p>24 </p> <p>25 DARYL BAUCUM, CSR No. 10356</p>
<p style="text-align: right;">Page 179</p> <p>1 DECLARATION</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I, MAX WASINGER, do hereby declare that I</p> <p>6 have read the foregoing transcript; that I have made</p> <p>7 any corrections as appear noted, in ink, initialed</p> <p>8 by me, or attached hereto; that my testimony as</p> <p>9 contained herein, as corrected, is true and correct.</p> <p>10 I declare under the penalties of perjury</p> <p>11 under the laws of the State of California that the</p> <p>12 foregoing is true and correct.</p> <p>13 This declaration is executed this _____</p> <p>14 day of _____, 2015, at</p> <p>15 _____, California.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 _____</p> <p>21 MAX WASINGER</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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